# HOUSE OF ASSEMBLY

**Thursday 20 June 1996**

**ESTIMATES COMMITTEE B**

**Chairman:**
Mr H. Becker

**Members:**
Mr M.J. Atkinson
Mr M.K. Brindal
Mr J. Cummins
Mrs A.K. Hurley
Mr E.J. Meier
Mr J.A. Quirke

*The Committee met at 11 a.m.*

---

Courts Administration Authority, $64 413 000

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

---

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

**Departmental Advisers:**
Mr J. Witham, State Courts Administrator.
Mr A. Bodzioch, Deputy State Courts Administrator.
Mr I. Rohde, Manager, Information Services Division.
Mr T. O'Rourke, Manager, Resources.

**The CHAIRMAN:** I have a few opening remarks to make. As in previous years, a relatively informal procedure will be adopted. The Committee will determine an approximate time for consideration of proposed payments, to facilitate the changeover of departmental advisers. Changes to the committee will be notified as they occur. Members should ensure that they have provided the Chair with a completed request to be discharged form. If the Minister undertakes to supply information at a later date it must be in a form suitable for insertion in *Hansard* and two copies submitted no later than Friday 5 July to the Clerk of the House of Assembly.

I propose to allow the lead speaker for the Opposition and the Minister to make opening statements of about 10 minutes but no longer than 15 minutes. There will be a flexible approach to questions, based on about three questions per member, alternating sides. Members will also be allowed to ask a brief supplementary question to conclude a line of questioning, but supplementary questions will be the exception rather than the rule; in other words, I will not allow one person to have three or four supplementary questions. There will be three questions and then perhaps one supplementary question. Subject to the agreement of the committee, members outside the committee who desire to ask a question on a line of questioning currently being undertaken by the Committee will be permitted to do so once the line of questioning on an item has been exhausted by other members of the committee. An indication to the Chair in advance from the member outside the committee wishing to ask a question is necessary.

Questions must be based on lines of expenditure as revealed in the Estimates of Receipts and Payments, Printed Paper No. 2. Reference may be made to other documents, including Program Estimates and Information. Members must identify a page number or the program in the relevant financial papers from which their question is derived. Questions not asked at the end of the day may be placed on the next sitting day's parliamentary Notice Paper. In other words, the practice of asking a whole lot of questions at the end of the day will no longer be possible.

I remind the Minister that 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 are to 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 purposes of the Committee some freedom will be allowed for television coverage by allowing a short period of filming from the northern gallery. I now invite the Minister to detail any agreed program, introduce his advisers and make a brief opening statement if he wishes.

**The Hon. K.T. Griffin:** By way of a short opening statement, I remind the Committee that the Courts Administration Authority is established by statute as an independent authority, although its funding comes from the Government and is dealt with in the Appropriation Bill, so it is a legitimate part of the consideration of the budget process. The authority is responsible for the administration of the courts. As an administration authority, it is not responsible for the decisions that judges and magistrates take. They have independent judicial responsibility and their only accountability is to courts of appeal. However, the authority has the primary responsibility for administering the courts.

The precedent was established with the former Chief Justice Len King attending the year before last at the Estimates Committee, and I think that was particularly helpful. Chief Justice Doyle was here last year. Although he had not participated in the questioning, it was helpful to the Committee, and I suggested that he should be present.

The budget is the Government's budget and the Estimates are the Government's Estimates, but they are the subject of consultation with the authority. Under the Act, I have to approve the budget of the authority, and its administration is in the hands of the Courts Administration Authority.

Today, as Attorney-General, I am the subject of questioning, but, as in the past, I shall be happy to invite the Chief Justice to make observations on any matters which may be raised by me or by the Committee or in other respects. Last year he made an opening statement because it was his first time before the Estimates Committee. With respect, I do not think that is necessary today. I do not intend to make any general comments about the budget estimates. I am happy for us to go straight to questions.

**The CHAIRMAN:** I take this opportunity of welcoming the Chief Justice again. Would you like to make a statement?

**The Hon. the Chief Justice:** No, I think not.

**The CHAIRMAN:** Does the lead speaker for the Opposition propose to make an opening statement?

**Mr ATKINSON:** No. I will go straight to questions. The Program Estimates (page 178), under 'Issues/trends' states that the level of delay in the criminal jurisdiction has increased. What will be done to reverse the trend towards longer waiting times for criminal matters in the higher courts?

**The Hon. K.T. Griffin:** There is now a combined criminal list between the Supreme Court and the District Court. The District Court is the principal trial court. The more serious criminal matters are dealt with in the Supreme Court. A series of appointments have been made over the past year to the District Court, the most recent of which was Judge Robertson, who was sworn in yesterday and took his place on the bench. So, through the appointment of replacement judicial officers, we have attempted to match any issue of delay.

If one looks at the figures, one sees that there are various ways by which one can deal with issues of so-called delays. There is a schedule, which I am happy to have tabled and which is in a format similar to that of last year. It gives a comparison between 1993-94, 1994-95 and 1995-96, and it indicates that in the Supreme Court civil jurisdiction the waiting times were 11 weeks in 1993-94; 1994-95, nine weeks; and 1995-96, 13-plus weeks. However, in the criminal area there has been a consistency of between about 18, 19 and 20 weeks.

In the District Court, in the criminal area, there has been fairly much a consistent waiting period over that time from 1993-94 up to 1995-96, and in the Magistrates Court again a fairly consistent approach. Whilst there may be some argument about what is the appropriate measure for the time it takes a matter to get to hearing, it can be seen that there is no growing and serious delay in those jurisdictions. I seek leave to have the statistics incorporated into *Hansard*.

Leave granted.

TIME STANDARDS—WAITING TIMES

| | 1993-94 Weeks | 1994-95 Weeks | 1995-96 Weeks |
|---|---|---|---|
| 1. SUPREME COURT | | | |
| 1.1 Civil (Measured as the lapsed time between the final pre-trial conference and the trial date) | 11 | 9 | 13+ |
| 1.2 Criminal* (Measured as the lapsed time between the date of arraignment to trial) | 19-20 | 18-20 | 20 |
| 2. DISTRICT COURT | | | |
| 2.1 Civil (Time standard: 90% of cases be disposed of within 9 months of service of summons) | n/a | n/a | n/a |
| 2.2 Criminal* (Measured as the lapsed time between the date of arraignment to trial) | 19-20 | 18-20 | 20 |
| 3. MAGISTRATES' COURT | | | |
| 3.1 Civil (Measured as the lapsed time between filing of defence and trial) | General 16<br>Minor 10 | General 18<br>Minor 11 | General 18<br>Minor 10 |
| 3.2 Criminal (Measured as the lapsed time between a matter entering the trial list and the commencement of trial) | Summary 4<br>Committal 4<br>Children's 8 | Summary 4<br>Committal 4<br>Youth 4 | Summary 4<br>Committal 4<br>Youth 4 |

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

\+ Refer to item 2.1.3.

**The Hon. the Chief Justice:** The issue of delays is an important one, and I would just like to give the Committee some information about it. One of the first difficulties is how we measure delays. We tend to work on a standard of cases being completed within 90 days of the prisoner's first appearing. Obviously, there is an arbitrary element to that, because with some cases the complexity is such that we could not hope to meet that; ideally, with others we should be able to do a bit better. It is important to understand that there is that notional element. From time to time, it is fair to say that we have wondered whether the standard is too strict and whether it really is achievable when one bears in mind the time that the defence and the prosecution need to prepare. Putting that aside, that is the benchmark.

The factors which bear on this are, first, the number of judges—and there was a reduction in the number of District Court judges. In the past two to three months, two judges have been off on sick leave unexpectedly. That has been one factor.

Another factor is the length of cases. Our statistics show that, over the past year, the average length of criminal cases is increased by about a day. I do not have the precise figure, but it is from about 4.7 days to 5.8 days. That means that, in a month, say we got through 20 trials, with each of them taking a day longer, we have added on 20 extra judge days, which is the equivalent of about four or five more cases. So, that factor is certainly impacting on our figures. At first blush, a one day increase might seem insignificant, but it is quite significant in terms of the number of cases we turn over.

We are also looking at what we call our case flow management practices, which are the processes whereby we shepherd cases through the system. Ideally, those practices should keep both the prosecution and the defence on the ball to make sure that the case moves through the system as

quickly as it can and that it is ready for trial at the appointed date. I think the system works satisfactorily, but it may be that there is room for improvement in it. We are more or less constantly reviewing it. Some practitioners say that we bring them to court too often and, in fact, add to the costs and the time that is taken on preparation.

On the other hand, our own experience tends to be that there is still an unacceptably high number of adjournments or situations at a stage when the parties should, according to the timetable, be saying that they are ready to go, but they are telling us they are still not. Sometimes that, in turn, flows back to resource constraints in the DPP's office, or on the other hand it may flow back to the difficulties which for one reason or another the practitioners are having in getting the case ready.

So, it is a fairly complex situation. It is impossible to say that improving any one factor is the answer to the problem. It is also difficult to measure, because so many different factors impact on it. It is not like medical treatment, where you might say that an average appendix or an average broken arm should take so many days: the range of criminal cases is so great that you cannot subcategorise them. I do not think that anyone in Australia, as yet, has come up with subcategories to enable more precise measurement.

We are concerned, because we are gradually slipping behind. On an Australia-wide basis, I think we are doing fairly well, but we think we should be able to do better. All I can say is that we are regularly looking at all those factors, but the fact is that the trend is adverse: in the last couple of years, we have been gradually slipping a bit further behind.

**Mr ATKINSON:** How can the Attorney now justify his decision to get rid of four District Court judges in 1994 in the light of the number of judicial appointments made in the past two years—in effect, to replace those judges—and especially when waiting and completion times in the District Court have been below published standards for the past two years?

**The Hon. K.T. Griffin:** There have been no appointments to replace those four judges who retired in 1994. The appointments that have been made over the past two years have been to fill vacancies created by other judges who have retired from office. For example, the replacement for Judge Newman, who retired in July last year, is Judge Robertson, who was sworn in yesterday. The appointment of Judge Michael David several weeks ago was to fill another vacancy which had been created by a retirement. So, it is not correct to say that additional judges have been appointed to fill the vacancies created when four judges took early retirement in 1994.

The published standards were established by the Courts Administration Authority and the judicial members of the courts when my predecessor the Hon. Chris Sumner was Attorney-General. I am not aware of his involvement or that of his Government in the determination of those standards. So, whilst one might use a particular standard published in the rules of court as a court based standard, there has certainly been no commitment by this Government—and I feel fairly confident by the previous Government—that those standards were appropriate. In fact, I have sought to have the standards examined critically with a view to determining whether they are realistic.

A national courts benchmarking study is addressing these sorts of issues in terms of what the standard might be across Australia. As the Chief Justice has said, we generally come up pretty well in this State. That may not necessarily mean that it is ideal, but it is certainly better than what occurs in a number of other States. The Chief Justice also said that, currently within the Courts Administration Authority, a review of processes is being undertaken, such as cash flow management and others, all of which is directed towards endeavouring to ensure as much efficiency as possible in the system and that resources are put to the best use possible. That review process is, as I understand it, taking place over the next two years.

**Mr ATKINSON:** I draw the Attorney's attention to page 176 of the Program Estimates entitled 'Support Services' and to the line 'Intra-agencies support services: executive, professional, technical, administrative and clerical support'. What is the reason for the fluctuation in budget and staff under that category?

**The Hon. K.T. Griffin:** I will ask Mr O'Rourke, Manager, Resources Division, to give that information.

**Mr O'Rourke:** The support services area increased in 1995-96 due to a re-engineering program of the computing services area. With Cabinet approval, we were required temporarily to take on staff, and that is the reason for the staff increase in that area. In addition, we have commenced an in-house project, namely, the court process review project, which project is being conducted by internal staff and we have had to temporarily replace those staff members. They are the reasons for the staff increases. The dollar increases are due mainly to additional Cabinet-approved funding for the re-engineering computer program.

**Mr CUMMINS:** I deal with the issue of video conferencing facilities. At page 178 of the Program Estimates, the 1995-96 Specific Targets/Objectives refers to the establishment of video-conferencing facilities being installed between the Adelaide Magistrates Court and the Adelaide Remand Centre. Will the Attorney-General give any indication of the number of matters being dealt with by video conferencing, and whether this has been successful?

**The Hon. K.T. Griffin:** The video link between the Remand Centre and the Magistrates Court was established in October 1995. It was established partly to address issues of security as much as issues of cost saving. It was very largely the initiative of the authority together with the Chief Magistrate, Mr Cramond. In the period from October 1995 to April 1996, there have been 240 video appearances. About 404 prisoners have decided to go directly to court rather than have their remand appearances dealt with by video link. That, I think, amounts to about 37 per cent of prisoners on remand who have actually appeared by video link.

The video link certainly assists with security. It also provides for less disruption to inmates and their routine while in custody. It has been put to me that taking a half a day or a day out of a prisoner's normal Remand Centre routine to go to court and be locked up in a prison van or in court cells is much less appealing than being able to go about their daily routine within the Remand Centre. Some people might make other reflections upon that, but the fact is that it has proved to be of benefit. There is also a possibility that, some time in the future, it may be put to use in the higher courts.

The Chief Justice or the State Courts Administrator can indicate whether that is moving at this stage. There have been some criminal processes which have been identified where it could be used: arraignment where the defendant pleads not guilty; bail applications; bail applications to vary bail; status conferences; pretrial conferences; and preliminary applications where a date for trial has not already been fixed. It is important to recognise that in the context of video link there is always a secure and private phone available for the prisoner

to use to keep in contact with his or her legal adviser. That was always of importance in the planning for this.

There has also been a concern to ensure that there is no compromise of the general principle that the prisoner should be able to appear before a court on remand to make complaint, make application or make submissions without fear of being victimised or otherwise adversely treated as a result of that appearance. That is one of the safeguards of our system and that has been paramount in the mind of those who have been putting this into operation. Overall, I would suggest that the system is proving to be a success. It will obviously need to be monitored on an ongoing basis, but it has certainly provided some benefits for prisoners, the prison system and the courts.

**The Hon. the Chief Justice:** We will consider it in due course for the higher courts. We are treating what is happening in the Magistrates Court as a pilot study. We will review that and decide whether we should extend the video facilities to the higher courts.

**Mr CUMMINS:** In relation to the issue of the Magistrates Court telephone call centre, page 178 of the Program Estimates 1995-96 specific targets/objectives refers to the Magistrates Court telephone centre exceeding its target of dealing with 80 per cent of all calls and therefore enabling registry staff to deal with direct customer counter inquiries. Can the Attorney-General outline this initiative which appears to be an excellent one and benefits the customers of the court?

**The Hon. K.T. Griffin:** In a moment I will ask the State Courts Administrator to amplify my initial observations about it. It is probably a trend within Government to try to focus all incoming calls to a particular clearing centre. It is certainly happening in the courts area; it is happening in consumer affairs as well as other areas of Government outside my responsibility. The call centre, as I understand it, in the Courts Administration Authority, is staffed by six operators. It really takes all calls that would normally go to the suburban and two city registries. It does provide a one-stop shop for information, so we do not have people who want information having to track down who they should talk to and where that person might be located and ending up spending an inordinate amount of time on the telephone getting more angry as the time passes when they cannot find the right person to talk to.

The management information system provides up-to-date reports on the number of phone calls received, the average time, the type of inquiry, the length of call, the number of calls waiting in the queue, and the efficiency rating, and that is all part of management. The information provided to me indicates that as of 17 June, since the call centre was established on 3 October 1995, there have been 125 366 calls. The call centre has dealt with 89 per cent of them and the rest have been transferred to the registries. In the initial planning for this I am told that 80 per cent of calls would be dealt with by the centre and already there is significant over-achievement in the number of calls taken by the centre.

The cost is about $71 252. There are some savings of about 1.6 full-time equivalents or $63 000 in the third year. Some interesting information that has been provided to me is that abandoned calls as at 17 June comprised about 4 per cent of all calls. The average duration of persons waiting before abandoning a call is 60 seconds. The average speed to answer calls is 33 seconds. There is some impressive information there which is a useful business management and practice aid and also is something on which the Courts Administration Authority ought to be commended. There may be some other background information that the State Courts Administrator might like to add.

**Mr Witham:** This initiative was introduced specifically to improve service to customers. It is difficult to get calls answered when people are serving at counters or putting data into a computer terminal. By having a call centre, calls are answered more promptly, so it has achieved that objective. There is also the efficiency aspect, which the Attorney has covered, and there are savings there, for which we were certainly looking. The real benefit is that when you walk around court registries now you notice the absence of sound, particularly in the suburban courts. The thing that struck you when you walked in was the telephones ringing incessantly. I was at the Port Adelaide court last week. I was there for a hour and I heard the telephone ring once. It makes an enormous difference to the staff.

**Mr CUMMINS:** I refer to the issue of case management reviews and to the program description, 'Specific Targets and Objectives' at page 178. Will the Attorney-General advise on the case management review project currently being undertaken by the Courts Administration Authority and any proposals being considered in relation to that?

**The Hon. K.T. Griffin:** I have already made passing reference to the review project and the Chief Justice also made some reference to it. As I indicated, the project was initiated by the Courts Administration Authority. I have always taken the view that it is important, whether in the courts or in an area of Government administration, that you constantly be alert to the need to review processes and not become comfortable and relaxed in respect of the way in which business is being handled, because in the law many things can be changed to help both litigants as well as legal practitioners and the courts in achieving a solution more efficiently and quickly than maybe has occurred in the past. I will ask the Chief Justice to make some observations and leave any further detail to Mr Witham.

**The Hon. the Chief Justice:** It is a process whereby we establish a review team and, as with the Magistrates Court civil jurisdiction, look at what happens from the time the process is lodged with the court through until the time it is finished and try to look laterally at each step. If necessary, we look at what impact that step has on court staff in terms of their time and resources and what impact it has on those who deal with the courts—the litigants and the legal profession.

Broadly, the object is, first, to identify whether there are any steps or processes there for historical reasons that could be eliminated and, secondly, to identify whether the times between the various steps can be reduced. It goes back to the point I was making earlier. I do not have at my fingertips all results of the first stage, which is coming to a close—the Magistrates Court civil jurisdiction—but it has led to things like pamphlets that explain more clearly to litigants how the various steps work. A suggestion that will have to be explored is that electronic access be made available to the court at various centres around the State. It is not an inward looking thing and we are not looking simply at how our staff in the judiciary function but at how the users of the process relate to it also.

Hopefully, it is a process which will provide benefits to the profession, to the public, to the judiciary and, overall, to ensuring that the court process works more efficiently. It will take some time. The first project was the Magistrates Court civil jurisdiction. Obviously, the team to some extent requires expertise while doing that. It will then move gradually from court to court and jurisdiction to jurisdiction. I hope that,

while the personnel of the team will not remain exactly the same, they will acquire additional expertise as they go along and, therefore, towards the end it may be that their analysis is even sharper than it was at the start. Likewise, we hope that the pace picks up as it goes along, because in the first stages the team is to some extent learning, while in the later stages it is applying the lessons it has learned. It is something that we regard as one of the more significant initiatives of the past year. It arose out of a two day corporate planning day, which took place in the latter part of last year, where members of our staff got together with members of the judiciary and we, in effect, brainstormed the main issues facing the courts, and having identified some key issues we gave them priorities. The court process review was given the highest priority.

**Mr ATKINSON:** I refer to 'Coroner's investigations' at page 181 of the Program Estimates. Will the Attorney give details of the transfer of management of the State mortuary referred to at that page, and can the Attorney give the Committee an assurance that the practice of stripping corpses of valuables is not being carried on in this State?

**The Hon. K.T. Griffin:** In January 1994 the management of the State mortuary was transferred from the Courts Administration Authority to the Forensic Science Division of the Department of State Services. To that extent, it is not within my area of ministerial responsibility. The transfer was to be reviewed after 18 months with respect to suitability and practice, and that includes administrative and financial. I am told that the review has been undertaken. There are some recommendations. One relates to the conveying of deceased persons to the mortuary, and that is the subject of a call for expressions of interest at the present time. I think that was advertised on Monday. There has been no information drawn to my attention or as far as I am aware to my ministerial colleague who has the responsibility for this area about the practice to which the honourable member refers—quite obviously gleaned from the information which has received a great deal of publicity in New South Wales.

I would like to think in this State that there are some rigorous practices and processes in place which would guard against that and that those who are employed in the mortuary would not lower themselves to that quite unacceptable and undesirable practice. Certainly, if the honourable member has any information which might be relevant to the issue he has raised, quite obviously the first responsibility is to draw that to the attention of police as well as to Government. I am not aware whether he has done that; so, I can only presume that it is a question based upon the publicity in New South Wales. As far as I am aware it has no application to South Australia. I will ask Mr Bodzioch to add to that. There is a different practice in South Australia as I understand it, but I will let him explain.

**Mr Bodzioch:** The practice in South Australia is completely different from practices interstate, particularly New South Wales. Here in South Australia the bodies are collected by police officers who are members of the Coroner's investigation section. They collect the body, undress the body and also take the valuables. All of that is recorded at the time the body is collected from the home, the scene of an accident or from an institution. Procedures are very rigidly enforced. From there, the Coroner's investigation squad members take the body to the State mortuary. They book the body into the mortuary and arrange for an autopsy, if necessary, the next morning. There have been no criticisms at all in relation to the practice adopted by the police, and there has been no information at all that valuables have gone missing in any way, shape or form.

**Mr ATKINSON:** Could the Attorney provide the Committee with details of the appointment of counsel assisting the State Coroner referred to on page 181 of the Program Estimates? Is that appointment a fixed-term contract and, if so, what are the terms and remuneration? Is this more economical than *ad hoc* appointment of counsel assisting?

**The Hon. K.T. Griffin:** It is not a question of what is more economic: it is a question of what is proper. The Crown Solicitor's office did provide on an *ad hoc* basis counsel to assist the Coroner. That system worked very well, because when Crown Solicitor's officers were not required at the Coroner's office they went back to the Crown Solicitor's office. The decision to appoint counsel assisting the Coroner was an initiative in last year's budget. It followed a request by the State Coroner, and it also related to the recommendations of the Royal Commission into Aboriginal Deaths in Custody. The recurrent cost to the authority (salary, on-costs and support) is approximately $90 000 per annum. The full-time presence within the Coroner's office of counsel assisting has meant an increased provision of legal services to the State Coroner as well as a more coordinated and consistent approach to investigations and preparation of matters for inquest.

The workload of the court has increased since the commencement of counsel assisting, but it is not possible to determine the degree to which this is due to the introduction of the position or for other reasons. I have taken the view, as part of last year's budget, that it was a proper practice to move to an appointment of a full-time person. The appointment is a two year contract, and many of the appointments in Government, even in the Crown Solicitor's office, are on contract. The fact that it is now an appointment to the Coroner's office, through the Courts Administration Authority, ensures a measure of independence which, whilst I think was evident when the Crown Solicitor's office provided counsel assisting, is now much more transparent. The other issue is that the Crown Solicitor's office, whilst providing counsel assisting, also frequently represented agencies of Government in Coroner's inquiries. One could see at least a perception that there would be at least a conflict in that. May I just clarify that the position is worked on a contractual basis as a 12 month contract renewable for another 12 months.

**Mr ATKINSON:** I refer the Attorney to page 182 of the Program Estimates, 1995-96 Specific Targets/Objectives, 'WorkCover Audit Standard Level 3 was achieved in both claims management and rehabilitation.' Why has the Courts Administration Authority been able to manage only WorkCover Audit Standard Level 3 in respect of claims management and rehabilitation and what has been done to improve this?

**The Hon. K.T. Griffin:** I invite Mr O'Rourke to deal with that.

**Mr O'Rourke:** Level 3 is the top level that can be achieved. In claims management this year reported injuries have been reduced by 19 per cent. The improvement comes from a big emphasis on work safety, through consultation, and we are continually reviewing all areas. We are looking at equipment, work areas and work practices in relation to claims.

As regards rehabilitation, we are taking on early intervention techniques, getting expert advice for the employee who is injured, continuing good policies and paying attention to human resources.

**The Hon. K.T. Griffin:** There is a greater emphasis right across Government on these issues. The Courts Administration Authority is adopting the sorts of practices that we are endeavouring to adopt across Government. It makes good business sense as well as being in the interests of employees, the Government and ultimately taxpayers if we can properly manage these issues.

**Mr MEIER:** I refer to page 178 of the Program Estimates, 1996-97 Specific Targets/Objectives, which refers to an anticipated reduction in the workload of the Magistrates Court as a result of the expiation of offences legislation. Can the Attorney outline the likely impact of this legislation and the benefits in reducing work in the Magistrates Court?

**The Hon. K.T. Griffin:** We are still working through the implementation process for this legislation, which has passed the Parliament. Preliminary estimates are that the Courts Administration Authority—and let us not address other savings across other agencies of Government involved in this process—has saved about 3.9 full-time equivalents. Every process in the courts will be affected. There will be less data to process, fewer documents to handle, fewer matters to be listed for hearing, less time spent in court by a clerk to assist justices of the peace, fewer outcomes of hearings to be entered and lesser use of court orderlies. Whilst preserving the rights of the citizen who might be the subject of an expiation notice, it seeks to introduce modern practices for translating the failure to pay an expiation notice into the enforcement process rather than the present process of having to transfer information from the police to the courts, issue, serve and process summonses, process judgments, and so on.

There will be some one-off costs for computing enhancement, but that does not seem to be particularly significant in the context of the wider benefits which will flow from the introduction of this new scheme. The estimated savings are likely to be about $116 000 for the salaries and on-costs of 3.9 full-time equivalents, about $39 000 for goods and services, justices of the peace fees, and so on. There will be benefits in other areas of Government, but I do not have them at my fingertips. Looking at the volume of material that might be affected, at present about 51 000 uncontested matters go to the court. When we introduced the expiation notice scheme for traffic offences, that was about the level of traffic summonses that were being introduced and processed. A substantial volume of material needs to be processed, and the expiation notice legislation, when it comes into operation, which is planned to be the end of this year or early next year, will have benefits for everybody.

**Mr MEIER:** I refer to page 178 of the Program Estimates, 1996-97 Specific Targets/Objectives, which refers to 'An Aboriginal Youth Justice Coordinator to be employed to work within the Aboriginal homelands'. Has the youth justice coordinator been employed and what are the benefits of appointing the coordinator?

**The Hon. K.T. Griffin:** One of the concerns in relation to the new juvenile justice system is the extent of over-representation of Aboriginal young offenders, particularly in the area of Port Augusta where there has been concern that we need to appoint a youth justice coordinator. The youth justice coordinator was appointed in March 1996. This will provide a service to Aboriginal people equal to that afforded to other members of the community. I am sure members will recognise that, because of the over-representation of Aboriginal young people in the juvenile justice system, it is important to take steps to address that situation. Whilst that has whole of Government implications, at least in relation to the juvenile justice system, this is one way in which that can occur.

The appointee has many contacts amongst the Aboriginal community. That is a decided advantage, particularly in the conduct of family conferences as an alternative to the normal court process. The outcome of the conference can include community service for the victim or the community, compensation and apology. The area covered by the youth justice coordinator at Port Augusta will be from Port Pirie to the whole north of the State. There are some quite significant distances involved. Locating itinerant persons for a conference will be a significant problem for the youth justice coordinator, but I am satisfied that it is an appropriate appointment and that it will enhance the level of service that is provided in that area. It will also have positive benefits in dealing with Aboriginal young offenders.

**Mr MEIER:** I again refer to page 178 of the Program Estimates, 1996-97 Specific Targets/Objectives, which states that one of the major targets for 1996-97 will be the outsourcing of prisoner transport. What is the current progress in outsourcing this function and what benefits will flow therefrom?

**The Hon. K.T. Griffin:** That has just been the subject of a tender call, and those tenders are being evaluated. I will ask Mr Witham to make some observations, if he feels that I do not cover the issue fully. It has been a matter of concern for some time—even for the previous Government—as to how you get prisoners to court, whether they are adult prisoners or young offenders, and how you manage them when they are in the precincts of the court and under the jurisdiction of the court. That relates to the Magistrates Court, the District Court in the criminal jurisdiction and, to a lesser extent, in the Supreme Court.

The movement of prisoners and young offenders and managing them in the courts is undertaken by four agencies: Correctional Services, the police, Family and Community Services and the Courts Administration Authority. Over quite some months the Government has been working through the matter in order to find a way by which we can more properly coordinate that process and manage it. That was the reason why a public tender was called.

The Audit Commission recommendations which were relevant to this did make comment about the issue of movement of prisoners and in-court management of prisoners and questioned whether that process was a core function of Correctional Services and the South Australian police. But, in any event, it should be explored as an opportunity for contracting out. Independent consultants, Coopers and Lybrand, have been involved as probity auditors. There has been a benchmark analysis of the services completed, and the tenders will be measured against that. It measures the probable best practice cost to Government if the function remains within the public sector.

You also have to realise that it relates not only to the metropolitan area but also to the country, and it must be a mammoth task when you have prisoners coming from Port Augusta to Adelaide or suburban courts or from the Remand Centre, Yatala or other correctional facilities, all going every which way to different courts and having to be taken back. It is not an easy task to bring all this together, but the Government's objective is to endeavour to do so. The process is under way, so I am not able to indicate what the likely outcome will be. Hopefully, it will be a productive and beneficial one. I invite the Chief Justice to make some additional observations on that.

**The Hon. The Chief Justice:** Committee members may be interested to hear that there are two aspects of this: one is the movement to courts of prisoners from places where they are kept. The only interest to the courts in that is their timely arrival. The second aspect is the handling of the persons in custody once they are at the court. The courts have taken the view that that is their responsibility. They take the attitude, 'Once the person arrives at court, they're in our charge, and we're responsible for their safety and the safety of the members of the public around the courts.' The process is one in which the courts have insisted that, in relation to the letting of the tender, which affects the management in court, it must be with our agreement and we must be contracting parties.

The Attorney has supported us in that and, while we realise that it complicates the process, we are a separate contracting party. The Government has acknowledged that, and the matter is going forward on that basis, which is satisfactory to us. Overall, it is quite a complex matter, and we are hopeful that the benefits to which the Attorney has referred will be achieved.

**Mr ATKINSON:** I draw the Attorney's attention to page 182 of the Program Estimates regarding information technology. Has EDS generally taken over responsibility for IT functions in the Courts Administration Authority?

**The Hon. K.T. Griffin:** I invite Mr Rohde, the Manager for Information Services, to make some observations about that issue.

**Mr Rohde:** The transfer of data processing services and facilities to EDS from the Courts Administration Authority will actually occur in two stages. Stage 1 is the transfer of the mainframe related processing and what we call the wide area network—that is the State-wide network as opposed to the in-building network. Stage 2 will involve the transfer of other processing services and the local area network, or the in-building networks. Stage 1 has been achieved and was achieved with the intent and with the whole of Government handover to EDS. However, the authority is still working through the practical implications of that; for example, monitoring the achievement of service levels, the accounting issues and other aspects. During stage 1, one full-time equivalent of the authority was eligible and accepted a job offer from EDS. Stage 2 is scheduled to occur around September, and that will involve approximately three additional authority staff.

The reason for the delay is that the authority is currently midstream in converting its technologically and operationally obsolete network to conform to the whole of Government standards. At the time of proceeding to stage 2, there will be a mini due diligence study to facilitate the transition to EDS, and at that time we expect the process to be largely complete. There are three issues relating to the transfer of the function to EDS that are constantly being monitored, that is, security, performance and costs. Security and performance issues are largely dealt with using the whole of Government contract between EDS and Government. Of course, the authority will be monitoring and managing that on a day-to-day basis.

Our concerns over cost have been allayed through the undertaking by the Premier that appropriate budget adjustments would be made. That is not to say that EDS will be more costly: it is simply a reflection of the fact that equipment replacement provision is not part of the authority's standard budget. That was in a different funding within Treasury and was subject to request and appropriation on each occasion. Of course, with the EDS contract that is included as part of the operational cost of the contracting out. Management of EDS's performance under the contract is being achieved through fortnightly meetings with EDS, and we have made our Manager, Technical Services, the account manager for day-to-day issues. At this stage it is still very new. It occurred only in mid April, but the implications have been minimal, and they are being managed as they arise.

**Mr ATKINSON:** Is there a service agreement between the Courts Administration Authority and EDS and, if so, what are the details? Will the Attorney table a copy of the agreement?

**The Hon. K.T. Griffin:** I think there is an agreement. I will take the issue on notice. I do not have any difficulty with providing some information about that to the Committee, but it is an issue that the honourable member raises in a much broader context of availability of contracts. I am sympathetic to the request he makes, but I would like to be able to take it on notice.

**Mr ATKINSON:** Program Estimates (page 179), under 1996-97 Specific Targets/Objectives, states that a system of mediation as a dispute resolution option will be trialled in the Magistrates Court. What are the Attorney's expectations about the new system of mediation?

**The Hon. K.T. Griffin:** Mediation commenced on a trial basis at the Adelaide Magistrates Court Civil Registry on 6 May 1996, and will be evaluated in six months. Magistrate Cannon has been very much at the forefront of the endeavour to develop a mediation system, partly I think because of the general emphasis upon mediation that is now gaining a great deal of prominence within the community and the courts.

*Mr Atkinson interjecting:*

**The Hon. K.T. Griffin:** There was a 1920 Conciliation Act, which I think was one of the forerunners of conciliation in South Australia, but it was largely not acted upon by members of the judiciary. Also, I think it has some relevance to the fact that within the various occupational licensing areas in consumer affairs we have been placing a great deal more emphasis on mediation as well as resolution of disputes within the magistrates' jurisdiction generally in consequence of the abolition of the Commercial Tribunal.

Mediation is an important initiative that must be developed. I am quite proud of the fact that South Australian courts have been at the forefront of the development of alternatives to the actual trial process and dispute resolution by formal means—and I think it will go a long way. However, the process in the Magistrates Court is to be evaluated in six months' time. It is free to the public, and it will free up judicial time, because trained mediators, mostly registrars, will perform the task. As at 31 May this year, there have been 11 hearings with agreement being reached in four cases (37 per cent), no agreement being reached in five (45 per cent), conciliation prior to mediation in one (9 per cent), and no appearance by a party in one (9 per cent). It is an important trial process, and I commend the Courts Administration Authority, particularly Magistrate Cannon, for proceeding in that direction. Also, we have just passed legislation in the Parliament which tries to standardise the legislative approach to mediation in all the courts. That was done very much in consultation with the Chief Justice and other senior judicial officers. I invite the Chief Justice to add some remarks.

**The Hon. the Chief Justice:** Mr Chairman, I do not know whether the honourable member has a particular interest in mediation, but I would like to offer an observation on the benefits of it. In a busy court such as the Magistrates Court, the reality is that probably 90 per cent of all cases settle. So, you may say, 'What is the point of this?' I think the reality

is that many of those 90 per cent settle on the day of hearing when the people come to court. They are probably told by the magistrate that it would be better if they talked outside. There is a hurried settlement, and they probably go away feeling vaguely dissatisfied.

The key objectives are to identify those cases that will settle and, instead of leaving it to the last minute of the process, to get them to settle early, thus bringing them to mediation at the start rather than the end and, rather than having the parties and their solicitors hovering outside the court to obtain what the parties might see as a rushed deal, settling them down quietly with a mediator and talking it through so that they feel they have achieved a better or more acceptable result.

I am not sure of what the significance of the reference to 1920 was, whether it has taken 76 years to wake up to this, but all the courts around Australia are increasingly using mediation. I do not think the significance of it should be over-emphasised either. We must be careful in the pursuit of our own efficiencies not to discourage people from coming to court and pushing them into these processes if they do not want to. If they want to go to court, that is their right. We are anxious to strike the right balance.

**Mr BRINDAL:** On page 179 of the Program Estimates, it is stated that the impact on the native title jurisdiction is not yet known. Given the state of the native title scheme and the Opposition's obvious lack of interest in the subject and the fact that it has only recently come into operation, will the Attorney indicate the likely impact of this legislation on the courts?

*Mr Atkinson interjecting:*

**Mr Brindal:** I am surprised it wasn't your first question; it is a serious issue.

**The Hon. K.T. Griffin:** If the member for Spence wishes to ask further questions on the subject this afternoon, I am happy for him to do so. As the member for Unley interjects, it is an important issue. On 17 June, we brought into effect the balance of the South Australian Native Title Act, the Mining Native Title Act, and the Environment, Resources and Development Court Native Title Act. South Australia was the first, and it is the only State which has in place an alternative right to negotiate regime approved by the Federal Government. In fact, ours was approved by the previous Federal Labor Administration.

It is an important initiative, because it will provide a facility in South Australia, that is clearer than the Federal native title legislation, for dealing with native title claims and non-claimant applications. We do not expect too many native title claims initially, but we do expect a number of non-claimant applications, particularly from miners and developers, because there is a greater level of certainty provided in the South Australian scheme, and the South Australian scheme will be the one which is required to be used in future Act matters.

We have appointed three Native Title Commissioners: Mr Henry Rankine, Mr Andrew Hall, and Mr Charlie Jackson. I do not expect they will be heavily involved initially, but they will play an important role in the whole process of determining non-claimant and claimant applications. The total cost to the authority for 1995-96 in relation to native title is $131 345 (including expenditure committed to June 1996). The total expenditure is to be included in a claim for Commonwealth funding. A second component of $46 407 is required as a funding transfer to the Courts Administration Authority, and a computerised case management system is also being considered, the cost of which will be about $80 000 but which will not attract Commonwealth funding.

Because the member for Spence indicates that this matter is likely to be raised this afternoon, he is probably doing so because the funding for native title is on the Attorney-General's lines. That has been done for a deliberate reason, so that there is some central management of the expenditure of that funding, but as particular processes are established (such as the Commissioners) I would expect funding in this case to become a permanent feature of the authority's budget.

At this stage it is premature to estimate how much work will be undertaken by the ERD Court. Judge Trenorden is involved as the primary judicial officer responsible for managing that process. There may also be some work in the Supreme Court because our Act provides for the Supreme Court also to exercise a concurrent jurisdiction but, unless there are matters of great significance and principle, I would expect most of the work to be undertaken in the Environment, Resources and Development Court.

**Mr BRINDAL:** Program Descriptions at page 179 state that one of the specific objectives for 1996-97 will be to re-engineer the registry systems. The Opposition is fixed on EDS and trying to hunt witches out of woodwork, but will the Attorney advise what this important initiative is, what is involved in this project and what benefits will accrue because of what is happening?

**The Hon. K.T. Griffin:** I invite Mr Rohde to deal with that issue. It is a quite complex project for which capital funds have been made available by the Government in this next year's budget. We believe it is an important function that needs to be properly managed and financed.

**Mr Rohde:** Re-engineering of systems obviously implies that there are existing systems, and that is the case. The authority has developed a comprehensive suite of systems supporting the registries and a number of other functions, but particularly the registry services, which support the work of 40 different jurisdictions. The systems have fundamentally changed the work processes and procedures associated with the administration of the courts. It is estimated that 85 per cent of the functions undertaken in the administration of the courts are now impacted upon by those systems.

The initial development of the systems commenced in 1987. Most systems have been in production for at least six years and, frankly, the systems can no longer support the changing business requirements of the authority and, in addition, they are technically obsolete. Two years ago the authority identified the need to re-engineer its systems, and made approaches to and was supported by the Government. The re-engineering itself will occur in four stages: first, the development of what we are calling a generic case management system. That is, if you like, the engine for our case management processes. That stage was completed earlier this month.

The second phase is the development of the civil registry modules. That is like a layer that wraps around the generic case management system, but particularly pertains to the civil jurisdiction's needs: statistics requirements; lodgement requirements; and requirements to interchange information with other agencies, and the like. Stage three is the development of the criminal case wraparound, or module, and that is similar in some respects to civil cases but, of course, the requirements of criminal cases are quite different because they involve interfacing with other justice agencies: police, corrections, FACS, and so on. The last stage would be to

incorporate graphical user interface attributes to the system. We have left that to the end because, while they are very appealing, it is important that we move off the mainframe as fast as possible as that will provide some operational savings, which in turn are being used partly to fund this re-engineering project.

The final cost to the authority of the whole re-engineering project, which involves something like 35 person years of effort, is difficult to assess because it will depend on the amount of assistance provided by the private sector. The authority went out to a registration of interest and tender, and entered into a contract with Amdal Pty Ltd, with the agreement of Government and the Governor of South Australia. Under that contract, Amdal Pty Ltd has a variable amount of support for the project. The variable nature ties back into the EDS contract, so that the two are interlinked—but, at a minimum, it is something like 15 to 16 person-months of effort, and there is an ability to increase beyond that.

The current estimate of the five year cost for the project, net of savings, is $4.5 million. That amount is being met from an authority contribution from within its own budget, some of which we expect to be reimbursed when the associated hardware is subsequently transferred to EDS. Our priority project is the use of existing authority resources, so that we have tapered off the support aspects of the existing system, which has very much a finite life now and, of course, the assistance from Amdal and the contribution from Government. The authority will benefit because it will be using modern technology; it will be downsizing to mid-range equipment, which has some cost advantages to the authority; and it is consistent with the whole-of-Government strategies, in terms of using PCs as the standard work station across Government.

The reduction in processing costs alone amounts to about $30 000 per month. There are productivity benefits from our systems developers, which in turn means that we will not need to increase the IT staffing, despite moving towards a broader scope of systems and greater depth of functionality of systems. There is a significant increase in functionality, which will result in improvements in internal processes and efficiencies. I mention also the opportunity of software sales. In fact, a delegation from Papua New Guinea is visiting only Adelaide on the first three days of July. We have also had visits from representatives of Malaysian and other courts.

Because the new software makes use of the latest systems development tools and techniques, that will also provide us with lower systems maintenance costs. That is a real feature and improvement for us because the old systems were getting to the stage of having software patches on top of software patches. Finally, I point out the strategic emphasis of the re-engineering: the new system will provide a catalyst for change, supporting initiatives such as the court process review with features such as electronic lodgement and greater accessibility of information electronically by the legal profession.

**Mr BRINDAL:** I have a supplementary question. It sounds like a very exciting initiative. I was most interested that the engine was the case management model and that there are wraparounds. The words 'greater scope and depth of functionality' were used, so I am assuming that all sorts of things will be much more possible through this new system. Am I correct in saying that?

**Mr Rohde:** Yes. One feature of the design is the development of a data warehouse, which will have information populated from the case management core system. As a consequence of having the data warehouse, we will be able to extract information far more readily than we can now. At the moment, if the administrator seeks particular statistics we need to schedule that run for a weekend because the processing, for instance, could run as long as 15 to 20 hours, reading every record only to find that perhaps 90 per cent do not apply. The system is picking up on those sorts of advantages and will provide better management and operational information.

**Mr BRINDAL:** Since the Opposition is always churlish in congratulating the Government, I suppose we should do it: it is a very good initiative.

*Mr Atkinson interjecting:*

**Mr BRINDAL:** You could do it.

*Mr Atkinson interjecting:*

**Mr BRINDAL:** You cannot be looking very hard. My last question concerns another very exciting initiative, about which I notice the Opposition has been silent, and that is the establishment of the new Business and Consumer Division. I refer to page 179 of the Program Estimates.

*Mr Atkinson interjecting:*

**Mr BRINDAL:** The Attorney does not need a press secretary; he does more work than most other departments. I refer to page 179 of the Program Estimates, 1995-96 specific targets/objectives, which refers to the establishment of the Business and Consumer Affairs Division of the Magistrates Court. In case the member for Spence missed it, it is a most exciting initiative and I ask the Attorney to indicate the impact that this new jurisdiction will have in providing consumers with access to justice.

**The Hon. K.T. Griffin:** The new division resulted from the work we were doing in relation to occupational licensing through the consumer affairs part of my portfolio. The object was to find a description for a discrete part of the Magistrates Court which would focus upon business and consumer issues. It is all part of the Magistrates Court but it has a special emphasis. It was actually established on 1 July 1995 although the work was not transferred until the latter part of 1995. It is going to be and is dealing with fencing disputes, warranty claims in relation to second-hand motor vehicles, disputes between landlord and tenant in relation to shop premises and, hopefully, it will take on domestic building disputes in the near future. Of course, that results from the fact that the Commercial Tribunal is being abolished and we are just winding up now the remnants of the matters before it.

It has some advantages because the Commercial Tribunal could never enforce its own orders. The Magistrates Court Consumer and Business Division can, so it hears the matter and can enforce its own orders. As I indicated earlier, Magistrate Cannon has had an important part to play in mediation and that is also part of the work of this division. Claims can now be lodged at any of the 13 country and five suburban and city registries, whereas with the Commercial Tribunal people had to do it in Adelaide. The Magistrates Court civil rules were amended to establish a new rule which fast tracks proceedings. We have already discussed options relating to mediation which do have some benefit for litigants. As at 30 April 1996 there have been 84 cases dealt with in that jurisdiction.

**Mr ATKINSON:** Staying with the support services page, what equipment has been transferred to EDS ownership? What are the details of the transfer? To what extent did the Courts Administration Authority retain ownership of computer equipment?

**The Hon. K.T. Griffin:** I will ask Mr Rohde to address that.

**Mr Rohde:** I cannot answer the question in detail, but I shall be happy to provide one of the schedules at the time of transfer. To put it in context, it is essentially the mainframe computer, a Hitachi mainframe computer and its associated disk storage and peripheral equipment and a small amount of regional telecommunications equipment. That is the nature of it. If you wish the complete schedule, I could arrange that.

**The Hon. K.T. Griffin:** I undertake to provide the information to the Committee within the time frame set by the Committee.

**Mr ATKINSON:** How many Courts Administration staff positions have been made redundant as a result of the EDS contract?

**The Hon. K.T. Griffin:** Mr Rohde earlier indicated that one person had been transferred immediately and possibly three others later this year. That is it.

**Mr ATKINSON:** What annual savings are expected as result of the EDS arrangement in the Courts Administration Authority?

**The Hon. K.T. Griffin:** That issue is more appropriately an across whole-of-Government issue because across Government there are net savings to the Government. I will take the question on notice in relation to the authority. There are some pluses and minuses and I would expect either the Treasurer or the Premier may have been asked the question and may have been able to provide a whole-of-Government response. That is the appropriate way to look at it, although, as I say, I will take the question on notice.

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

---

State Electoral Office, $2 329 000.

**Departmental Advisers:**

Mr A. Becker, Electoral Commissioner.

Mr P. Brennan, Financial Officer.

**Mr ATKINSON:** I refer to page 190 of the Program Estimates where the following statement twice appears:

> The Australian Joint Roll Council will be overseeing pilot studies on alternatives to habitation reviews to update electoral rolls more effectively.

Under 1996-97 Specific Targets/Objectives it goes on:

> Contribute to a pilot study of alternatives to habitation reviews.

Why does the Government want to seek alternatives to habitation reviews. Can any method of reviewing the electoral roll be better than going from door to door and asking who is living there? In this connection I notice that the last habitation review in 1995 did not result in as many changes as the 1992 habitation review, at least to the Spence electoral roll. Was that its retreat from a complete old style habitation review?

**The Hon. K.T. Griffin:** One issue has to be made clear from the start. Whilst I have responsibility for the Electoral Act and the administration of the State Electoral Office, there is that dual status: the Electoral Commissioner is independent of the Government yet, on the other hand, he is also the Chief Executive Officer of the State Electoral Office, which is an administrative unit under the Public Service.

Whilst the Electoral Commissioner discusses issues with me on amendments to legislation and habitation reviews, it has to be recognised that there is a measure of independence in the way in which the Commissioner undertakes his responsibility. That is not to put it in any other context than to ensure that the Committee understands that it is not necessarily a Government decision about habitation reviews, although I support many of the decisions taken in an objective and, I hope, unbiased fashion. In relation to the habitation review, I will ask the Electoral Commissioner, Mr Becker, to respond to the question.

**Mr Becker:** The Joint Roll Council is a council of all Australian Electoral Commissioners and Chief Electoral Officers. That is because we have a joint roll between each of the States, Territories and the Commonwealth. It is not just an issue that binds upon the State. One of the difficulties we have with the habitation review is that we are only taking a snapshot once every two years, which tends to be because of the size of the Commonwealth and because it is convenient to the Commonwealth, just prior to its elections, and does not always fit nicely with ours.

With the doorknock approach we are getting about 80 per cent of the information we already know. People have not moved. We are spending $1.5 million to try to chase up the other 20 per cent. Whilst it has been effective in the past—and we had a different approach in the past with a mail review to start with, followed up by a doorknock—the better approach would be to have a continuous roll maintenance approach. That is what the consultants of the Joint Roll Council has recommended. Currently we are looking at the possibility of using Australia Post and its rounds documents which, in the case of Queensland, have been computerised. We are looking at Queensland for a trial. We are not talking about matching people's names but about saying that we have a different name at this address, therefore we can strike that address. It is not a data matching exercise in that sense. We will be relying on Australia Post to tell us where the moves are.

**Mr ATKINSON:** I refer to the Program Estimates, page 190. I notice that the State Electoral Office a few years ago issued a leaflet entitled 'Voting—It's Easy' and it was translated into a number of languages, namely, Vietnamese, Greek, Italian, Spanish, German and Polish. I use those leaflets in my door knocking of new citizens and new constituents. In the case of Greek, Italian and German people, very few people of those nationalities are becoming Australian citizens now because, if they were going to become Australian citizens, they have already done it. The languages in which we need that leaflet are Serbian, Croatian, Portuguese, Chinese, Cambodian and Russian. They correspond to the major ethnic groups becoming citizens now. Are there any plans to reissue the 'Voting—It's Easy' leaflet in other languages?

**Mr Becker:** That was a nice leaflet, but an expensive one. I accept what the honourable member is saying. We have a number of programs at which we are looking and one is the languages that we put out, including Khmer. We are starting to use those languages in our general advertising at election time. Currently we do not have a program to reissue that brochure. We are doing a number of things in conjunction with the Commonwealth, namely, looking at the Internet in various languages. We hope that the electronic kiosk at which the Government is looking will give access to many more people in their languages.

**Mr ATKINSON:** Referring to the same page, will the State Electoral Commissioner be contacting, with a view to State re-enrolment, voters whose names were removed by objection during the 1995 electoral roll review but who did

not leave their Federal division, and who were, upon presenting themselves to vote at the 1996 Federal election, re-enrolled as Commonwealth—only electors by virtue of filling in their new address on the declaration vote slip?

**The Hon. K.T. Griffin:** I believe that is a question on notice and I think I have just signed an answer that deals with that. I am happy to take the time of the Committee to explore it, but I believe it has been signed. If it has not, I will undertake to have the answer forwarded to the Committee.

**Mr CUMMINS:** I refer to the issue of voluntary voting and to the program description at page 189. Will the Attorney-General advise the costs of following up non-voters in the past 12 months for non-voters in the December 1993 election and will the Attorney provide any details on the number of warrants outstanding since 1989?

**The Hon. K.T. Griffin:** This is one of my hobby horses. A substantial cost is involved in following up non-voters.

**Mr ATKINSON:** Money well spent.

**The Hon. K.T. Griffin:** The member for Spence interjects that it is money well spent. I disagree with that. He is asking for pamphlets to encourage people to enrol and vote and I would have thought that that would be a much more effective means of spending money than going through the courts system and incurring time and resources in following up so-called non-voters. I provided some information last year—and it was a relatively detailed break down—that the gross cost of the non-voter exercise for 1993 elections was $279 000. It was reduced to $238 000 due to fines and expiations, which does not include court costs (which would have been quite substantial).

Also there is further processing of non-voters as they come to light. There is little joy in that from the State's perspective. Some of those who have been fined have applied for rehearings and then been found not guilty of the offence or had their liability to the State substantially reduced. In some instances they have been imprisoned wrongfully and we have had to pay out damages for wrongful imprisonment.

A number of the offenders have taken the community service order path, which involves more costs. From time to time we endeavour to ascertain the real cost to the Government of this process. The figures I gave last year on the 1989 election figures follow up showed a substantial saving in the 1993 election of over $500 000; but the amounts involved are quite substantial.

I understand that some warrants are still outstanding for failing to vote at the 1989 election. We attempt a review through all the court and other processes to determine how many of these warrants are outstanding. That is not easy to ascertain because of difficulties in gaining that information through the record system. But it is unacceptable that seven years after the 1989 election there are still outstanding warrants against people for failing to vote and non-payment of payment of fines, and they might still end up in gaol.

*An honourable member interjecting:*

**The Hon. K.T. Griffin:** We are certainly concerned about it, and there is a cost. The Government will keep pushing the issue of policy.

**Mr CUMMINS:** I refer to the issue of education programs. At page 190 of the Program Estimates, one of the broad objective goals is 'to develop appropriate publicity and education programs to ensure that the public is informed of its democratic rights and obligations'. I understand that the office this year promoted enrolment to vote on Australia Day for new citizens. Will the Attorney outline the initiative and indicate the success in encouraging new citizens to enrol?

**The Hon. K.T. Griffin:** The matter was raised last year. The Electoral Commissioner has informed me that at the Australia Day citizenship ceremonies this year the Australian Electoral Commission employed staff to enrol those who chose to do so at that time. Regrettably, no accurate statistics were kept on that occasion, but approximately one-third of those who became Australians enrolled on the day. Some would have already been provisionally enrolled for Commonwealth purposes and would have been enrolled for the State after the Australia Day celebrations, while others were given enrolment cards to complete at their leisure.

In all, 1 129 were enrolled by one means or another. I understand that about 1 200 to 1 300 people actually attended those ceremonies. So, the response rate is very good. It is an initiative which is to be commended, because it is an important occasion in the lives of those who become Australians.

**Mr CUMMINS:** At page 190 of the Program Estimates reference is made to the completion of that strategic plan. Will the Attorney outline the major content for the strategic plan and the direction it sets for the office?

**The Hon. K.T. Griffin:** The strategic plan was proposed by the Electoral Commissioner to deal with three major issues. First, there are local government amalgamations, which are quite current at the moment, and the Electoral Commissioner has a very important part to play in determining the roles for the new councils resulting from amalgamations.

Secondly, there is assistance in the development of an electoral module for the school curriculum and, again, that is particularly important because these young people will ultimately become electors and it is important to get in at an early age to talk about responsibility in the constitutional process.

I preface the third issue by suggesting that one should not read anything into it: preparations for general elections by mid-February. That is purely a decision of the Electoral Commissioner. It has no relevance to what the Government may or may not do in relation to elections. I will ask the Electoral Commissioner if he has any additional comments to make about the strategic plan.

**Mr Becker:** They are matters we will examine in the next 12 months. The strategic plan will continue to the year 2000. There are numerous ideas that we are interested in examining; in particular, we endeavour not to spend any more money on the next election than we did on the last. That makes us examine quite a few areas where economies can be made. As I said, we do not try to do everything at once. We have a plan which runs over five years. We will try to work to those issues that the Attorney just raised for the next 12 months. The only reason I say that we have to be prepared for a general election by mid-February is purely and simply because it is constitutionally possible to have an election after March.

**Mr ATKINSON:** Page 189 of the Program Estimates states that the office conducts elections on a full cost-recovery basis, yet there seems to be a consistent shortfall of receipts compared to expenditures in the budget line at the top of page 186. What is the explanation for this?

**Mr Brennan:** Basically, the industrial ballots officer is committed to spending only 50 per cent of his time conducting local government elections. As a consequence, the receipts will be proportional to the amount of time he spends on it.

**Mr Becker:** One of the other issues is that there is a certain amount of double dipping, because we charge out on a full cost-recovery basis. I dare say it would depend on where the costs have been incurred by us, because we do not take an advance from any council or from any other organisation. We start from a position and then seek to recover those costs. In terms of the actual discrepancy, I would have to examine that a bit more closely.

**The Hon. K.T. Griffin:** I will undertake to have that matter addressed and to provide a response in due course.

**Mr ATKINSON:** On page 186 of the Program Estimates reference is made to the Electoral Districts Boundaries Commission's work, a good deal of which arose unexpectedly in the current financial year. Does this relate only to local government boundary reform, or is something else involved?

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

**Mr Becker:** It is both. At the moment it looks as though councils will tend to amalgamate and worry about how to organise their wards thereafter. Through the public sector mapping agents, we now have a way of linking to the digitised cadastre from our address file. This is the only State which has an address file that can link to the cadastre. We are testing these things against the local government boundaries, largely for the bigger project of reorganising the State district boundaries. This will include plotting equipment and some software development. We put it under the Boundaries Commission, because that is where the major amount of work will be in the long run.

**Mr ATKINSON:** Staying with the same page of the Program Estimates, on the basis that $926 000 is allocated for State election preparation in the coming financial year, is the Attorney-General indicating that there is little prospect of a general election being held in the 1996-97 financial year and has the Electoral Commissioner taken into account the chances of a general election when making budgetary calculations for the financial year ahead?

**The Hon. K.T. Griffin:** The Electoral Commissioner has to work with the money that he is given by Parliament. The normal practice followed by previous Governments and by this Government is not to anticipate what may happen constitutionally in relation to events such as elections. Obviously, in the 1997-98 financial year, if there has been no election in the 1996-97 financial year, it will be much easier to anticipate that provision will have to be made because the Constitution Act will require an election to be held within that financial year. Nothing should be read into the provision in the Estimates of $926 000 for 1996-97 as to whether there will or will not be an election. One can only presume that the normal provisions of the Constitution Act will apply.

**Mr MEIER:** The member for Spence referred to the Australian Joint Roll Council overseeing pilot studies, to which the Attorney-General and the Electoral Commissioner responded, but I picked up only one example or alternative coming in, particularly from Queensland. Are other pilot studies or alternatives being reviewed in addition to those which have been mentioned so far?

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

**Mr Becker:** Yes, other things have been looked at. South Australia was considered as one of the States in which a pilot should be conducted because it is a metropolitan State and it lends itself to fairly easy handling. The main reason why we took on Queensland with Australia Post was that Australia Post already has its own computer system in place. However, there are other ways of doing it. We could do the same sort of matching with Motor Registration Division licences or motor vehicle registrations. We could look at SA Water and any other databases, provided that we had enough checks to ensure that we did not compromise any privacy issues that might arise or that might give the impression that we were setting up a Big Brother approach to roll maintenance. Certainly, other issue are being and will be considered after this initial trial has taken place.

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

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

---

Attorney-General's, $27 134 000.

**Membership:**

Ms Stevens substituted for Mr Quirke.

The Hon. M.D. Rann substituted for Ms Hurley.

**Departmental Advisers:**

Mr K. Kelly, Chief Executive Officer.

Ms K. Lennon, Deputy Chief Executive Officer.

Ms S. Miller, Acting Director, Corporate Services.

Mr K. Pennifold, Manager, Business and Finance.

**The CHAIRMAN:** I declare the proposed payments open for examination and refer members to pages 19 and 139 to 145 in the Estimates of Receipts and Payments, and pages 147 to 169 in the Program Estimates. Minister, do you propose to make a statement?

**The Hon. K.T. Griffin:** No, I do not need to make any opening statement.

**The Hon. M.D. RANN:** I congratulate the Attorney-General on following up on an initiative that I initiated in 1993, when I invited judges to come to Salisbury to meet with people and to discuss sentencing and other issues. I am delighted to see that the Attorney-General has also been pushing this, and I am delighted to see that the Chief Justice is accessible on radio. I understand that Justice Mullighan has been out in various suburban areas—and at Elizabeth—talking to people. That is a positive way of trying to build bridges between the public and the judiciary. I want to congratulate the Attorney-General on his role in supporting that area. Will the Attorney-General explain why and exactly how funding for crime prevention strategies seem to be cut even further, as revealed on page 150 of the Program Estimates? Will he detail the rationale behind those cuts?

**The Hon. K.T. Griffin:** I presume the honourable member wishes to have some background to the structure of the crime prevention program. As a member of the previous Government, he will be aware that my predecessor (Hon. Chris Sumner) developed a Together Against Crime crime prevention strategy, which he announced at the 1989 State election. Subsequent to that, the then Opposition—now Government—did indicate that it was prepared to participate in the development and operation of the strategy, except we always reserved to ourselves the right to disagree, if we felt it was appropriate to do so. There was largely a bipartisan approach to the new direction of crime prevention. Mr Sumner and the previous Government did establish a

review of that crime prevention strategy. The honourable member may remember the somewhat expensive but ineffectual review that was undertaken by the interstate LaTrobe University in respect of which I made criticisms, as did Mr Sumner when he was still a member but then in Opposition.

We had hoped that that review would give to us a basis for determining the effectiveness of that five-year strategy from 1989. In fact, it did not provide a proper basis for that. As a result of the lack of assistance from that report, we established our own audit of crime prevention, and that was quite extensive, with the crime prevention unit, local crime prevention committees and police. As a result of that audit, we were able to identify and evaluate a number of programs which were run under the guise either of community safety or of crime prevention. Following that, the Government made a decision that it would give a commitment for each of three years—the current financial year, the next year, as well as the year after—of $1.6 million for each of three years, to redirect the strategy to more of a problem solving strategy but focusing on local crime prevention committees, as well as what were then called exemplary projects, which included the Drug and Alcohol Working Party. We established one in 1995 that relates to shop theft generally and, working in conjunction with the Australian Hotels Association, on programs such as Safe Profit.

Because of the change in direction, there has been quite extensive consultation with a number of local crime prevention committees, many of which are now working much more closely with local councils and operating in a more rigorous framework, with support from both the crime prevention program and also the crime prevention unit across South Australia. The funding works on the basis of $55 000 to a metropolitan crime prevention committee which can be spent according to an agreement entered into by the local committee with the crime prevention unit and the council, and $50 000 for the crime prevention committees in the rural parts of South Australia. We have required local crime prevention committees to look at the directions they wish to take within that problem-solving framework. Agreements have been entered into between crime prevention units, local councils and crime prevention committees. A process of evaluation is required to be undertaken at the end of each year of operation of each agreement.

**The Hon. M.D. RANN:** Obviously this comes under Federal jurisdiction, but we have heard recently that the staff of the NCA's Adelaide office will be cut by two-thirds from 33 to 10. There are further reports that the Perth office has been cut from 31 to 15. Although the Adelaide office will be cut from 33 to 10, recently it had up to 39 officers involved in a range of initiatives, particularly fighting drug dealing and associated money laundering. Those leaving the Adelaide office include lawyers and investigative accountants, the sort of people who chase the money trees and so on involved in organised crime. Has the Federal Government consulted with the Attorney-General or the State Government about the impact of funding cuts on the operations of the NCA, particularly in the light of the fact that Sergeant Bowen was killed during a bombing of the NCA office in Adelaide, one of the worst crimes against law and order officers in the history of our State?

**The Hon. K.T. Griffin:** The honourable member must recognise that I am not the Minister responsible for the National Crime Authority or the State's relationship with the National Crime Authority—that is the Minister for Police. The Minister for Police is a member of the intergovernmental committee in relation to the National Crime Authority, so that question ought to be directed to him.

**The Hon. M.D. RANN:** I understand that, but the Attorney-General is the principal law officer of the State, and I imagine he would have a view on the matter.

**The Hon. K.T. Griffin:** I am hear to answer questions in relation to the Estimates. The fact is that I am not the Minister responsible for either the police or the State's relationship with the National Crime Authority. As I said, that question must be asked of the Minister for Police because, as I am sure the honourable member would realise, the consultation arrangements between the State and the Commonwealth come from the responsible Minister at the Commonwealth level, who happens to be the Attorney-General and the Minister for Justice, and the relevant designated State Minister, who is the Minister for Police.

**The Hon. M.D. RANN:** By way of a supplementary question: we are dealing with crime prevention and, obviously, any cut in the NCA's operations in South Australia is likely to have an impact on the efforts of the State in this regard. That is why I sought the Attorney's opinion on what I regard as a very serious matter. However, I will take on board the Attorney's advice and perhaps look at some other issues relating specifically to his area.

Recently, the Leader of the Opposition in Western Australia unveiled a package of planned new offences, minimum sentences and tougher penalties for home invasion and burglary. I will refer to those in order to obtain the Attorney's views. The package creates a new offence by removing the need to prove any intent to commit an offence before a person is convicted of burglary (penalty: up to 12 months' imprisonment). It creates a new offence and a minimum penalty for assault against the occupant of a home or business through a burglary or home invasion (penalty: up to 14 years' imprisonment). Upon the third offence, a minimum penalty of six months' imprisonment will be imposed. If the offender is armed with a dangerous weapon, the maximum penalty increases by 12 months and the minimum penalty by three months.

The package creates a new offence and a minimum penalty for assault occasioning bodily harm committed during a burglary or home invasion (penalty: up to 15 years' imprisonment). From the second offence onwards there is a minimum penalty of six months' imprisonment. If the offender is armed with a dangerous weapon, the maximum penalty will be increased by 12 months and the minimum penalty by three months. The package also looks at creating a new offence and a minimum penalty for persons convicted of inflicting grievous bodily harm on a householder or the occupant of a business during a burglary or home invasion (penalty: up to 20 years' imprisonment). Has there been a review of laws relating to issues such as home invasion in this State, and does the Attorney believe that that is necessary?

**The Hon. K.T. Griffin:** First, I would like to make an observation regarding the National Crime Authority. The honourable member said that he thought this was related to crime prevention. It is not in terms of the current description of crime prevention programs; it is more law enforcement. I think we must be careful that what we put into the category of crime prevention distinguishes between community safety and law enforcement. Crime prevention under both the previous Government and this Government is directed towards identifying the causes of crime and developing strategies to deal with those causes wherever possible, and

focusing upon a more broadly based strategy than catching the crooks and putting them in gaol.

That is an important function of law enforcement agencies, but it is not to be confused with the emphasis upon crime prevention in the context of the sorts of strategies which are being developed, not only in Australia but in the United States, Canada, the United Kingdom and other places around the world, to deal with the causes of crime, because quite simply it makes better sense in the longer term, having identified the causes of crime, to address those than to deal only on a reactive basis with crimes once they occur and go through the criminal justice system. So, it is important to recognise that there is that distinction.

Whilst I directed the honourable member to the Minister for Police regarding his questions about the National Crime Authority, it is important to put those questions into the broader context of crime prevention. This was the approach taken by the previous Government. There was a bipartisan approach to issues of crime prevention. That brings me to the next point, and that is that, if one does not have to take responsibility for one's actions in terms of criminal behaviour in the political context, one can ramp up the debate about crime, create fear, put up minimum penalties as goals, and never have to worry about facing the consequences of having to implement those or equity and justice and other rationales that should be considered in relation to criminal behaviour.

It is important to recognise, if one does seek to make some emphasis from criminal statistics, that in South Australia, in 1994 compared with 1993 there were 14 per cent fewer reports of unlawful entry with intent to commit a crime; 6 per cent fewer sexual assaults; 9 per cent fewer motor vehicle thefts; 8 per cent fewer armed robberies; and 14 per cent fewer unarmed robberies. I do not like to rely upon statistics because I think they can give the wrong emphasis to the whole issue of trying objectively to deal with crime and punishment.

It does not help, certainly among older South Australians, when people constantly read in the headlines the ramping up of the debate in relation to crime and crime in the home. Some decisions have been taken recently by the DPP; there was a court decision in the Kingsley Foreman case, as well as decisions by the DPP about whether or not prosecutions would be undertaken in relation to home owners or occupiers protecting themselves. Those decisions demonstrate a careful analysis of the circumstances in which particular offences may occur, and a responsible approach to determining whether or not there should be prosecutions. There is no prohibition against home owners protecting themselves. The law is quite clear. The member for Spence has been making some public comments about self-defence—

*Mr Atkinson interjecting:*

**The Hon. K.T. Griffin:** Every night, that is correct, and I have been reading the transcripts with great interest. I have been attending radio stations myself to put the issue into a proper perspective.

*Mr Atkinson interjecting:*

**The Hon. K.T. Griffin:** I did. The member for Spence was off on a tangent or frolic of his own and, in those circumstances, it was very important to point out the error of the statements he was making and the sorts of—

*Mr Atkinson interjecting:*

**The Hon. K.T. Griffin:** It was all wrong.

*Members interjecting:*

**The CHAIRMAN:** Order!

**Mr ATKINSON:** The Attorney was falling over himself to agree with me.

**The Hon. K.T. Griffin:** No, I think the member for Spence was falling over himself to agree with me. There is no threat to the law that deals with the protection of home owners.

*Mr Atkinson interjecting:*

**The Hon. K.T. Griffin:** We will talk about that on another occasion. The honourable member should have asked the Chief Justice this morning what he thought about the law relating to self-defence and the difficulty. Householders have nothing to fear from any changes to the law or the way in which it is administered, and decisions taken recently are quite clearly evidence of a sensitive and sensible approach.

**The Hon. M.D. RANN:** I place my next point on the record so that you, Attorney, and your staff can look at it. The Western Australian Opposition has put forward a range of ideas in terms of offences and penalties relating to home invasion; for instance, it creates a new offence and abolishes parole for people convicted of rape during a home invasion. I believe the penalty is a maximum of 20 years' imprisonment and no parole, and makes sex treatment for prisoners compulsory. I would like the Attorney to agree to look at the Western Australian proposals. Certainly, the member for Spence has my total support. The Labor Party will fight any watering down of the laws in relation to the rights of home owners.

The Sumner package was well considered, and I do not believe one jury decision should affect a major change of the law. The Sumner law was well based and Chris Sumner's initiative on that issue has my total support, as it did in Government. I would like the Attorney to look at those Western Australian proposals and to follow up in a constructive way. In terms of penalty issues, I was educated considerably by what the Liberals said in Opposition. You convinced me, Attorney, when you were the shadow Attorney-General and, having attended many 'Labor Listens' meetings, people are concerned about these issues and a bit surprised about the tack you are taking in Government. You seem to be wanting to water down some of the initiatives that were introduced by Labor.

One issue that is not directly related to crime prevention as such, except that it is about promoting awareness, is that in 1984 or 1985 the former Labor Government introduced Operation Noah, which was, okay, partly 'dob in a dealer', but also partly about bringing into public and sharp focus the dangers of drug use in our community. It also gave massive publicity to a hotline number so that there could be better contact between the police and the public on these issues. One of the first actions of the new Government was to scrap Operation Noah which involved people telephoning a 24-hour hotline. That hotline received thousands of calls which were examined by the police. More importantly, it established that hotline number in people's minds and gave the operation a huge boost in publicity, which allowed an ongoing approach throughout the year. It was not a one-day operation which was simply ramped up for marketing and publicity purposes but one which, in fact, attracted many hundreds of calls leading to successful prosecutions. Operation Noah has been scrapped. Has any consideration been given to boosting the marketing of similar hotlines, because many people now do not know who or where to ring, in terms of that specific confidential evidence and information that was being provided? Do you think there needs to be a rethinking of the Operation Noah approach?

**The Hon. K.T. Griffin:** This is a matter for the Minister for Police: it is not a matter for me. I have no responsibility either for the Police Force or Operation Noah, or whatever happens in the Police Force.

**The Hon. M.D. RANN:** My question also touched upon prosecutions.

**The Hon. K.T. Griffin:** You asked me a question about Operation Noah. It is a law enforcement issue. Prosecutions arise. The honourable member needs to be educated about prosecutions. The Attorney-General makes no decisions about prosecution. When he was part of the last Government, the Hon. Mr Sumner introduced legislation to make the DPP independent of the Attorney-General in terms of the prosecutorial discretion. So it is not a matter for the Attorney-General about prosecution policy by the DPP or about what prosecutions might flow from law enforcement initiatives. If the law enforcers, the police, identify a breach of the law then, if it is indictable, it will be dealt with by the DPP; if it is not indictable it will, most likely, be dealt with by the police prosecution area and, in those circumstances, it is a matter for police.

Operation Noah was a police operational matter. Under the Police Act, the Minister for Police cannot give directions to the Police Commissioner about operational matters unless it is done by notice in the *Gazette*. I would have expected that whatever decision was taken about Operation Noah was a decision taken by the Police Commissioner. I happen to know that Operation Noah was the subject of a critical report by the NCA in Operation Ark. It is not a matter of what is or is not Government policy: it is a matter of police operational policy in the context, in relation to Operation Noah, of what the NCA recommended in relation to Operation Ark.

The honourable member has suggested that the decision to review the self-defence laws results from one jury decision. I refute that suggestion completely. The fact is that the DPP, judges and other lawyers have all said that the central theme and principle of the Act is okay. I supported that and I continue to support that. That is a subjective rather than objective test. The fact is that there are aspects of subsequent provisions in section 15 of the Criminal Law Consolidation Act which are, according to judges, the Director of Public Prosecutions and other lawyers, impossible to interpret. Mr Michael David, defending Kingsley Foreman, said that that part of the law is almost impossible, if not impossible, to interpret for the benefit of a jury. All that I am seeking to do is to retain the central principle, but to make it simpler for those who have to operate with it to understand what some of the consequences are, say, for manslaughter, excessive violence, and so on. The central theme will not change.

The other issue is about the abolition of parole. Whilst I am tempted to embark on a commentary about the previous Government's parole system, fortunately that has been changed and we have a system which more accurately reflects publicly as well as privately—

*Mr Atkinson interjecting:*

**The Hon. K.T. Griffin:** It may have done. Obviously, there were concerns but we grabbed the nettle and changed that to what we have generally described and what the community has recognised to be more a truth in sentencing concept, where the non-parole period means what it says.

**The Hon. M.D. RANN:** I am surprised at the Minister's sensitivity in this area. He was certainly less sensitive when he was the shadow Attorney-General. We are simply saying that we believe the present law was based on absolutely the right foundation. We do not want to see any reduction in the rights of home owners to defend themselves. We are also concerned about another issue, and I cannot understand why we get this reaction from the Government. Back in 1994—and I know the Attorney will not be surprised that I am raising it—I raised the issue after the police raised it about the proliferation of people carrying knives in public places and places of entertainment. It was on the front page of the *Advertiser* and so it must be true. They talked about Bank Street/Hindley Street police fears about people as young as nine carrying knives and getting away with it by saying, even though there were laws against carrying knives and carrying offensive weapons in public places, that they needed knives to sharpen their eyebrow pencils and other such lame excuses.

When I raised the matter in Parliament, the Minister's colleague, the then Minister responsible for police, said it was being discussed as a matter or urgency. When I raised it six months later he said it was on the agenda of the National Police Ministers' Conference. We checked, but it was not; it was not even discussed. We raised it again and the Minister goes on radio and says that there is no need to do it. It seems that the Minister is sensitive about any bipartisanship in this area.

When I mentioned those home invasion matters I asked the Minister to go away and look at them. I would have expected the chief law officer of this State to say, 'Yes, we will have a look at it and see if there is any merit in the Western Australian proposals.' None of us—not even me—are repositories of all wisdom on these matters. Because of problems in Hindley Street and elsewhere I have suggested a ban on the carrying of knives in places where they sell alcohol because, in my view, there is absolutely no need for anyone to carry knives. We should have a sharp and steep penalty for anyone who carries a knife in places where alcohol is consumed. When I announced that, someone from the Australian Hotels Association supported it; someone from the Hindley Street Traders supported it; but we got a negative attitude from the Minister even before saying he was prepared to look at it. Why is the Government so neurotic about the issue of knives?

**The Hon. K.T. Griffin:** I would have thought the boot was on the other foot. This is the eleventh time it has now been raised by the Leader of the Opposition.

**The Hon. M.D. RANN:** It is the twelfth time.

**The Hon. K.T. Griffin:** Maybe the eleventh occasion did not get the publicity that might have been expected because the media were tired of it. As to the self-defence issue, my only sensitivity is that my position and the Government's position is being misrepresented by the Opposition. My only sensitivity is to ensure that that is put correctly on the public record.

*Mr Atkinson interjecting:*

**The Hon. K.T. Griffin:** You are always talking on radio. I try to get on when I am able to, but you misrepresent it. The member misrepresents the Government's position.

*The Hon. M.D. Rann interjecting:*

**The Hon. K.T. Griffin:** The member for Spence. The Leader of the Opposition misrepresents the position in relation to knives as well. The member for Spence, for example, does go on radio and I commend him for his good capacity to get on radio programs and in many instances I appreciate that he commends me for the things that we are doing. He is also able to recognise that a lot of good initiatives are being taken in my area. My only sensitivity is to ensure that we have the position properly represented and not

misrepresented. As to knives, the Leader of the Opposition's position has changed, not on the last two occasions, because he has now been focusing upon the possession of knives in hotels rather than on the general law relating to knives.

*The Hon. M.D. Rann interjecting:*

**The Hon. K.T. Griffin:** I asked the Leader of the Opposition to tell me how he would like to change the law. The invitation has been a public invitation and in Parliament to indicate what he would do from a practical perspective, not just a throw-away line 'Let's ban all knives in hotels.' What do we do when we go into the dining room? Do we tell people they should eat with their fingers?

*The Hon. M.D. Rann interjecting:*

**The Hon. K.T. Griffin:** Let us get the knives issue into perspective. The statistics in relation to young offenders with offensive weapons in Hindley Street over the past two or three years has declined, remembering that the statistics indicate that they relate not just to knives but to a variety of other material or objects which might be regarded as offensive, because the law deals with offensive weapons and in some circumstances knives can be offensive weapons. In relation to the past seven years the Office of Crime Statistics, which is an objective statistical analysing office, deals with crime statistics and has indicated to me that the use of knives in murder and attempted murder offences has not increased over the past seven years, even though there have been clear annual fluctuations. While the number of armed robberies has increased since 1988-89 the proportion involving the use of knives has not increased. In the main, approximately 40 per cent of armed robberies involved knives, with the one exception in 1991-92 when 63 per cent involved the use of a knife.

*Members interjecting:*

**The Hon. K.T. Griffin:** The time period speaks for itself. The important issue is to reflect upon the concern and fear created by distorting both the statistics and the facts. That is the concern I have always had about the Leader of the Opposition's public statements about knives. First, that they were not clear as to what he really wanted to achieve and what the problem was that he was seeking to address and, secondly, that it was creating fear unnecessarily when, if you look at the facts, there was not the increase in the use of knives that should prompt a policy response. If the member now decides that we should ban all knives—other than cutlery—in licensed premises, he will have to consider the consequences of that.

Is anyone found in possession of a pen knife in licensed premises to be convicted? What facilities should be provided and what should the law allow in relation to searching? If someone is behaving quite normally, does the suggestion which the Leader of the Opposition makes include an airline-type metal detector? Does it enable a person to be pulled to one side and frisked—either patted down or with a metal detector? What are the circumstances in which he would see such a broad principle being applied? It is those areas that quite seriously need to be addressed.

All parties in the Parliament are concerned about privacy issues, infringement of liberty, excessive use of police power and the rights of a proprietor to search bags, clothing, and so on. They are the practical consequences of moving to a point where the law will quite directly say that no-one in licensed premises is permitted to carry a knife and that an offence is committed that will bring that person before a court if evidence is obtained which would show that there has been a breach of that statutory offence to which the Leader referred. It is the practical application of something which, superficially, might sound attractive to which I would draw his attention.

**The Hon. M.D. RANN:** Does the Attorney-General strongly support photographs on gun licences, and will that be part of his package?

**The Hon. K.T. Griffin:** I have no difficulty with that.

**The Hon. M.D. RANN:** Will that be part of your package?

**The Hon. K.T. Griffin:** With respect to the Leader, I am not the Minister responsible for—

**The Hon. M.D. RANN:** But you are the Attorney-General.

**The Hon. K.T. Griffin:** Of course I am the Attorney-General, but I am not the Minister responsible for what will be in the firearms package of legislation: it is the Minister for Police, and the Minister for Police has the responsibility for the introduction and carriage of that legislation.

**The Hon. M.D. RANN:** You are a member of Cabinet.

**The Hon. K.T. Griffin:** Of course I am member of Cabinet, but this is the Estimates Committees, and this Estimates Committee deals with the Attorney-General's budget lines. I have views on a lot of things in Government and I make my views known in Cabinet, and that is the proper place for them. I have no difficulty personally with photographs on licences and we have it in relation to security investigation agents. We are putting it on building work contractors' licences.

**The Hon. M.D. RANN:** Drivers' licences.

**The Hon. K.T. Griffin:** We have it on everything. The Leader is entitled to ask the question, but I am equally entitled to indicate that as a legislative matter it is not my responsibility.

**Mr CUMMINS:** To deal with a different topic, I refer to sexual abuse of children. Referring generally to the program descriptions on page 159, under 'Specific targets/objectives', will the Attorney-General advise what initiatives, legislative or otherwise, are currently being undertaken to ensure that children receive increased protection in the justice system?

**The Hon. K.T. Griffin:** A number of initiatives have been taken in relation to this issue, and one relates to the Child Abuse Protection Unit. When we came to government concern was expressed to me that on a number of occasions a child who was alleged to be the victim of child sexual abuse might be interviewed up to eight or nine times and that the evidence was therefore tainted and unable to be used in prosecution if a perpetrator was found and charged. Looking at some of the transcripts of some of these interviews, it was obvious that there was a lack of experience in the interviewers and, more particularly, a lack of understanding of the problems that tainted evidence might present when, for example, leading questions might be raised in the context of interviewing a child who was the alleged victim of sexual abuse.

I therefore established a small work group that included a representative from my own office (one of my legal officers), the DPP Committal Unit, the Bar Association, the police (particularly the Victims of Crime branch), the Department of Family and Community Services and the Child Protection Service within the Flinders Medical Centre, to look at the issue of how we can best deal with the investigation of child sexual abuse allegations. That committee met extensively and recommended that we establish an inter-agency child sexual abuse assessment unit. It would be the first time that such a unit has been established in this State,

bringing together a variety of disciplines, all related to dealing with aspects of child sexual abuse. The Government approved that.

We have budget provision of $300 000 for a trial program for 12 months. It will aim to oversee the referral assessment and therapy process when children make allegations of sexual abuse. It will provide an opportunity for early assessment of whether a notification of alleged abuse should be referred for criminal investigation or welfare support. It will assess the risk of harm to the child, assess the family environment, facilitate interagency cooperation and, particularly, focus upon proper interviewing techniques for the criminal justice process.

All agencies that will be involved are very supportive. It will be evaluated at the end of the trial period because it could well be the forerunner of other multi-disciplinary groups directed towards trying to get the best for both the victim in this case and for the criminal justice system. In those circumstances the model that we have put in place, drawing on experience in some overseas countries as well, will have the effect of reducing the trauma for both parents and child as well as facilitating proper dealing with the allegations.

The other point to be made is that, before the establishment of the committal unit, concern was expressed, certainly amongst parents, that they were going through the committal process, getting to the trial court and then, on the day of, shortly before or even enduring the trial, the matter would fold because of evidentiary difficulties. The introduction of the committal unit now means that decisions about prosecutions are taken at a much earlier stage, and in those circumstances there is full consultation with parents, a social worker is involved and there is therefore now better understanding by both prosecutors and police on the one hand and parents and victims on the other about what may or may not happen in the criminal justice process. If it is not possible to proceed because there is not sufficient evidence likely to establish a *prima facie* case, an early decision is made about what should happen to those allegations.

**Mr CUMMINS:** I refer to issues of crime prevention, particularly in relation to the retail industry. At page 157 of the Program Estimates under the 1996-97 specific targets/objectives it states: 'to implement and evaluate new directions in crime prevention over the remaining two years of the three year strategy'. I understand that one of the new directions is the establishment of the Retail Industry Crime Prevention Committee. Will the Attorney advise the directions being followed and work undertaken by that committee?

**The Hon. K.T. Griffin:** I had some concern that we should endeavour to do something about shop theft. That is not just shoplifting by customers or potential customers but also by employees. This includes other offences such as fraud and a variety of other crimes which happen in the retail context. Having seen some interesting programs in the United Kingdom, I took the view that we ought to seek to involve industry in developing a strategy which might seek to minimise shop crime and also get participants in the industry to accept responsibility for crime prevention.

I raised this with the Retail Traders Association, and it was very willing to embrace it in South Australia as a pilot project for the rest of Australia. The committee is actually chaired by the executive officer, Mr David Shetliffe. There is involvement from other retailers, shopping centre management representatives from the Building, Owners and Managers Association, the insurance industry, the police, Office of Crime Statistics, the Crime Prevention Unit, the Retail Council of Australian Loss Prevention Committee and Mr John Frame, who periodically meets with the committee. All those people together seek to cooperate in developing a strategy which deals with minor shop theft offences and how to deal with them, loitering, truancy, shop theft and curriculum development for schools on issues associated with property ownership.

The committee has established focus groups to work on these areas and to develop strategies which, hopefully, will have a positive effect on reducing shop crime. I stress that I see the importance of this initiative in being that the industry itself is accepting responsibility for endeavouring to deal not just with the law enforcement aspects of shop crime but also with prevention. The more that we can get industry and the community to accept responsibility, which I think is the proper approach, the better it will be for the whole community.

**Mr CUMMINS:** In some of his questions, the Leader of the Opposition tried to turn the Attorney's mind to the issue of a national anti-crime strategy and, in particular, he referred to the NCA. I understand that South Australia is the lead State in coordinating the work of the national anti-crime strategy. Will the Attorney outline the role undertaken by this State in the development of the strategy?

**The Hon. K.T. Griffin:** In 1994 the Premiers and Chief Ministers decided that they should work together on common approaches to crime prevention. In 1995 the leaders forum (as it was called) endorsed principles for crime prevention. Ministers were designated from each jurisdiction to be the lead Ministers for that national anti-crime strategy. Because South Australia was well recognised for its initiative—and I give credit to my predecessor, Mr Sumner, for the initiative he took in relation to crime prevention—we were chosen to have the primary role for coordinating the development of that strategy.

The principles which the leaders endorsed involved principles within jurisdiction, principles in structure for cooperation between jurisdictions, principles for cooperation with the Commonwealth and specific crime and crime prevention issues for cross-jurisdictional cooperation.

The strategy has been dealing with issues such as a national crime data base, motor vehicle theft, anti-stalking legislation, model criminal code and the rights for victims of crime. Later this year we will produce and release a compendium of State and Territory crime prevention initiatives. That will be very valuable, because it will provide ideas for other jurisdictions as to what will or will not work in crime prevention across Australia. This State does play an important role in that. It is a credit to South Australia that we are involved to that extent, and I think we will see some good, cooperative work occurring between jurisdictions across Australia.

**Mr ATKINSON:** In an article on the law of self-defence in the *Advertiser* on Saturday 18 May the Attorney wrote, 'The Supreme Court judges have raised concerns that the written law is very difficult to apply, and a review is under way.' I stress those last five words. On 3 April Parliamentary Counsel produced, on the instructions of the Attorney, a Bill to amend the law of self-defence. Note, this was before the Kingsley Foreman verdict. Why did the Attorney write in the *Advertiser* on 18 May that a review of the law of self-defence was under way when he had circulated a draft Bill in April?

**The Hon. K.T. Griffin:** Well, there was a review. Parliamentary Counsel has been involved in drafting various ideas for the past 18 months. I did not circulate the Bill. It

may well have been done through my office, and I accept responsibility if that occurred. The fact is that in examining the law relating to self-defence it is important to try to crystallise in legislative form any changes which might be made. There has been disagreement among officers about the course that ought to be followed in terms of drafting.

The Model Criminal Code Officers Report in relation to homicide deals with the issue of self-defence, but in a way which is different from the South Australian approach. The letter to the editor of the *Advertiser* was correct, because it is a review, and it continues to be a review until a Bill is presented to the Parliament.

**Mr Atkinson:** Good try.

**The Hon. K.T. Griffin:** I am not trying to do anything: I am telling the facts. The facts are that in the context of difficult legal concepts—

*Mr Atkinson interjecting:*

**The Hon. K.T. Griffin:** Again, the member for Spence seems to be trying to undermine what is actually happening and misrepresent it. The fact is that—

**An honourable member:** It is one of the privileges of an Opposition to undermine what is happening.

**The Hon. K.T. Griffin:** If the honourable member wishes to make statements publicly, he also has to expect that I will respond. If he raises an issue in this Committee, he will get from me an answer which I believe to be correct. If he does not agree with it, he can say so—that is fine. That is a right of any member, whether it be of this Committee or this Parliament. There are different ways in which one can approach legislative reform. Sometimes some people want to sit down and discuss it all the time, and we can go beating around the bush for years without getting any concrete outcome.

I am generally of the view that we can best achieve an outcome if there is an attempt to crystallise some of the principles and allow those to be the basis for discussion, with people having something in front of them to enable them to say, 'Well, this is okay; this is not; this does not blend well with that,' and then go through the process of consultation. I have done that with a number of pieces of legislation, and I think it is an appropriate way to deal with some of those issues. The same happened with the Dietrich amendment to the Legal Services Commission Act, currently in the Parliament. There is not much point all sitting down and talking for months, or even years, about Dietrich unless some proposal which might be the basis for consideration is crystallised into a legislative format. I have found that approach valuable because it focuses the mind.

**Mr ATKINSON:** You should have shared that with the Opposition.

**The Hon. K.T. Griffin:** I can imagine what would happen. The member has raised the issue of a Bill which Parliamentary Counsel has drafted and which has been out for people to comment upon.

**Mr ATKINSON:** People; not the Opposition.

**The Hon. K.T. Griffin:** There is not much point in giving the Opposition a Bill with which I am not satisfied. The first point is not to float something out into the arena. I welcome the involvement of the Opposition, which has been very constructive in the Parliament on a number of difficult Bills. Opposition members know that my officers have been available to talk to them and I have consulted them in an endeavour to reach a satisfactory conclusion. I am always open to suggestions for change, whether in relation to this or anything else. If the member would like to pause for a few more weeks, hopefully by the end of this part of the session I hope to introduce a Bill which will be the subject of very careful consideration by the Opposition and others and will represent what I see as an appropriate response. That is the way that I will continue to do it. They will then have two or three months, until the next session starts in October, in which to consult and consider and come back with suggestions or, if they prefer, they can do it through the Parliament.

**Mr ATKINSON:** The member for Unley ridicules the idea of canvassing public policy on Radio 5AA, but I do not agree with him. Earlier today and during his recent contribution to the Christopher Cordeaux Radio 5DN talk-back program, the Attorney-General ruled out an objective or reasonable man test of self-defence. In his draft self-defence legislation of 3 April—I emphasise before the Kingsley Foreman acquittal—the principal section 15(1) on self-defence is amended to read:

> It is a defence to a charge of an offence if
> (a) the defendant genuinely believed the conduct to which the charge relates to be necessary and reasonable for a defensive purpose—

so far so good—

> (b) the conduct was reasonable.

Does this not restore the pre-1991 reasonable man test whereby if Mrs Jones of Brompton confronts a burglar in her home and hits him with a cast iron frying pan and kills him she is charged with murder and a judge, with the luxury of hindsight, carefully weighs Mrs Jones's conduct to see whether it was the conduct of a reasonable man: would a reasonable man have used the frying pan when a rolled up *Sunday Mail* was to hand and might have been used to usher the burglar out of the front door? Has not the Attorney-General, in his draft Bill on self-defence, sought to go back to the pre-1991 law with an objective reasonable man test, a test which he always supported because he opposed the 1991 changes?

**The Hon. K.T. Griffin:** The answer is 'No,' and I did not oppose the 1991 law. I was involved in a deadlock conference with the Hon. Mr Sumner, Mr Terry Groom and Mr Michael Atkinson, and I did not oppose the law. We went to a deadlock conference because the drafting was inadequate. As a result of the deadlock conference a Bill emanated from the Parliament reflecting the subjectivity test. However, it also included some provisions which, having been hacked away in a late-night deadlock conference in Parliament House, proved to be so difficult to construe and interpret that the judges, the DPP and others said, 'Can't you get something simpler?'

**Mr ATKINSON:** 'If the conduct was reasonable.' What is that?

**The Hon. K.T. Griffin:** The present Act talks about the reduction of a charge from murder to manslaughter and excessive force.

**Mr ATKINSON:** That's right; excessive self-defence.

**The Hon. K.T. Griffin:** Excessive force. The member might like to argue about what that means. It introduces a concept of reasonableness. If it is excessive, by what standards does one determine whether or not that force is excessive? It is all very well to argue about other parts of a draft, which I do not adopt as a model which will ultimately be introduced, but which has been drafted on the basis that it will be the subject of discussion.

**Mr ATKINSON:** Well, you've got the discussion.

**The Hon. K.T. Griffin:** Of course we have. Let not the member for Spence misrepresent the position.

**Mr ATKINSON:** I have it here in black and white.

**The Hon. K.T. Griffin:** Of course you have. If you look at subsection (1), it also says—

**Mr ATKINSON:** That is what I am looking at.

**The Hon. K.T. Griffin:** No; you are looking at subsection (2).

**Mr ATKINSON:** I quoted from subsection (1).

**The CHAIRMAN:** The member for Spence will allow the Attorney-General to finish explaining his answer.

**The Hon. K.T. Griffin:** If that is the copy to which the member is referring, it does say that, but I do not accept it as mine.

**Mr ATKINSON:** I see.

**The Hon. K.T. Griffin:** Let us get this into perspective.

**Mr ATKINSON:** Who drafted this—Donald Duck?

**The CHAIRMAN:** Let the Attorney-General complete his answer.

**The Hon. K.T. Griffin:** I have indicated publicly both before and after the Kingsley Foreman decision my position on self-defence. What is drafted and goes out to various people for discussion does not necessarily reflect the policy position which I hold or which ultimately the Government will hold; nor does it necessarily reflect the outcome of consultations. Both before and after the Kingsley Foreman decision, my position was that there was to be a subjective test. The review related to subsidiary matters such as a charge which could be reduced from murder to manslaughter, excessive force, criminal negligence or grossly unreasonable behaviour. Whilst the member is entitled to make what he sees as political mileage out of this, if he can contain himself for a few more weeks, hopefully we shall have a Bill which accurately reflects the policy.

**Mr ATKINSON:** Close to the election!

**The Hon. K.T. Griffin:** I do not mind when it is. The member knows that I am not afraid to bring in legislation and face a debate on it.

**Mr ATKINSON:** Courageous in the Sir Humphrey Appleby manner.

**The Hon. K.T. Griffin:** The member for Spence should never compare my officers or me with Sir Humphrey Appleby.

**Mr ATKINSON:** What was the total cost of the Royal Commission into the Hindmarsh Island Aboriginal women's business?

**The Hon. K.T. Griffin:** I did put out a press statement in April.

**Mr ATKINSON:** I'm not on your mailing list.

**The Hon. K.T. Griffin:** I think they go to the library, but I am sure that, with his contacts in the media, the honourable member would be able to gain access to it quickly. The total net cost was $2.058 million, give or take several thousand dollars at the most. The original approval was $1.8 million in June 1995. It was increased by $800 000 in September 1995 as the royal commission continued beyond its report date because of the various challenges it faced in the Supreme and Federal Courts. The total funding of the royal commission was $2.3 million. There are a number of set-offs against that—about $300 000 in relation to transcripts, for example. So the final figure is about $2.1 million net cost or thereabouts.

**Mr MEIER:** As rave dance clubs have recently attracted a great deal of media attention, can the Attorney-General outline any initiatives of the Liquor Licensing Commission to deal with such clubs?

**The Hon. K.T. Griffin:** They have been a matter of public concern. They certainly have been related to the use of the drug ecstasy. I do not seek to dwell upon that. However, it is important to recognise that, because of the level of concern, the Liquor Licensing Commissioner, and the Metropolitan Fire Service in particular, have undertaken consultation with the operators of rave and nightclub activities. That has also involved the Drug and Alcohol Services Council, police and local government. As a result of that, some draft guidelines are being considered—I think the meeting is today—to try to develop a greater level of responsibility for the conduct of such events. It is pretty important to realise that we are not out to stamp on people's fun, but it is important from a Government perspective to ensure that those functions are run responsibly if they are held and that risks to young people are minimised.

There have been a lot of criticisms from authorities in relation to some building safety requirements. There have been some concerns about overcrowding. We have sought to address those in the guidelines in relation to overcrowding, building safety requirements, first aid and security measures, how you deal with passouts at the door, and the way in which minors will be dealt with as they participate. The operators of these rave functions do want to be seen to be acting responsibly. The joint public and private sector consultations will at least go some way towards addressing some of those concerns with a code of practice or some guidelines which, whilst I cannot guarantee that they will be effective, I hope will provide a better environment for cooperation and for the conduct of these sorts of events.

**Mr MEIER:** I refer to page 162 of the Program Estimates. What is the success of the Joint Licence Premises Task Force in monitoring licensed premises?

**The Hon. K.T. Griffin:** There has been some publicity about it. There are a number of premises where this joint task force—which involves the Liquor Licensing Commissioner, police and fire service—has been involved. There have been a number of prosecutions in relation to the task force, a number of suspensions by the Licensing Court—probably about 10 or 12 over the past year—all directed towards sending a message to those who have been involved in running premises which have been the subject of criticism, either because of overcrowding or noise.

The message is getting through that people do have to comply with the law when they run nightclubs or other functions in premises which, unless they are properly controlled, will create situations of danger. The last thing the State Government wants is to find that there is a fire in one of these locations, and a stampede which ends up killing young people or others who happen to be on the premises. Some of these involve emergency doors which have been locked—some from the outside, not just inside. All that is now properly being addressed. The task force will continue to deal with some of those issues in the course of the program. Mr Bill Prior is the Liquor Licensing Commissioner. He has taken a very active role this. There are one or two issues I have not addressed to which he might care to refer.

**Additional Departmental Adviser**

Mr W. Prior, Commissioner for Liquor Licensing.

**Mr Prior:** I would like to stress that, even though we have had a lot of publicity, we are talking about 5 per cent of the industry; 95 per cent are extremely responsible. I make no apologies for the 5 per cent who are not. The Commissioner

of Police, the Metropolitan Fire Service, our office, council and noise abatement people work together, and we will prosecute. We also take the opportunity really for education. About 15 have been suspended. We have certain licensees who enter into an assurance, if we believe the practice is not at a level that requires us to take disciplinary action but we believe the type of activities are irresponsible. For example, a particular licensee was allowing patrons to rest their head on a bar and the bar tenders would pour tequila into their mouths when the song *Tequila Sunrise* was played. We found that objectionable. We got the licensee in and said, 'You will enter into an assurance that there will be no irresponsible promotion, service or supply of liquor.' If the licensee then breaches that, I will take that as the first strike; the second one will be immediate action to have the licence suspended. We are using it as an education tool. I am a firm believer that having the grossest behaviour recognised by disciplinary action is a good education tool in itself.

**The CHAIRMAN:** I have no objection to that; it is long overdue. My supplementary question relates to licensed clubs. In the past few weeks, I have visited my local bowling club with my family, and on each occasion I have had to sign in the family. I thought we had done away with the visitors' book, but my information is that your inspectorial staff have been more vigilant than ever and have been visiting all the clubs to check up on their visitors' book. I want to know whether this is a continuing policy, because I thought we had done away with it?

**The Hon. K.T. Griffin:** This might be an area of doubt, but I will ask Mr Prior to make an observation about that.

**Mr Prior:** We now apply two criteria to clubs. A club with a gaming machines licence can apply for an endorsement to allow it to trade with the general public. You can still have a club, members and a members' book, but if you wish you can trade with the general public. If you do not have that endorsement, the club is just a place for members and their guests. We have not been targeting the club industry, but as a result of complaints from residents we have been targeting a few clubs. I think you would all be aware that, following the introduction of gaming machines, some of the large entertainment hotels, such as the Colonnades in the south, St Leonards, The Old Lion and McMahon's at Salisbury have basically closed as entertainment venues for young people. We found that some clubs had picked up the demand and were simply operating as licensed entertainment venues.

I will not mention one particular club, but in the southern areas we had residents and police complaining about behaviour. We have taken disciplinary action. I have also asked certain club licensees and their executives to meet with me. If I believe it is a legitimate operation, I will grant an extension to the licence, but it will be granted with quite stringent conditions. For example, we might require that the club executive be present to ensure that the behaviour of young people on the premises does not detract from the amenity of the locality. However, I assure you that we are not targeting bowling and small clubs.

**The CHAIRMAN:** As I said, I am a member of a bowling club, and on my last couple of visits I was always signing the visitors' book. If the inspectors do their job, which they are doing, they are damned if they do and they are damned if they don't.

**Mr MEIER:** Will the Attorney advise on current trends in the number of restraining orders and forfeiture orders dealt with by the Director of Public Prosecutions?

**The Hon. K.T. Griffin:** The DPP and the police work together on restraining orders in relation to confiscation of profits. The number of matters dealt with continues to grow. There has been about a 56 per cent increase on the last year in restraining orders, that is to restrain a person from disbursing property, and there has been a 32 per cent increase in forfeiture orders. On average, over the past two years restraining orders have increased by 43.2 per cent and forfeiture orders by 34.6 per cent. Currently, one solicitor and one law clerk in the DPP's office have the conduct of these matters. Later this month, that work will be spread between three solicitors in the DPP's office.

There are a number of statistics, but I will not go into them in great detail. Between 1 July 1995 and April 1996, 58 defendants had restraining orders against them. That compares with 37 defendants who had restraining orders made against them to April 1995. The average to April for 1993-94 was 43 orders and for 1994-95 there were 37, which gives an average of 40.5. The April 1996 figure shows a 43.2 per cent increase. I expect that there probably will not be a large number of restraining orders and forfeiture orders between now and the end of the financial year, but if there is it will have some impact on the figures. There were 33 defendants who had forfeiture orders made against them to April 1996 and, as I say, that is an increase over the previous comparable period.

**Ms STEVENS:** As the Attorney would be aware, the Operation Flinders program exists to support and assist young offenders and youth at risk. It is funded jointly by contributions from FACS, DECS, the police, Correctional Services, and the Crime Prevention Unit. The Attorney would also know that a three year agreement has been drawn up. Staff of Operation Flinders are most anxious that the matter be finalised, because the new agreement starts on 1 July. When will this matter be finalised, because time is running out?

**The Hon. K.T. Griffin:** My understanding was that it had been finalised. There were some difficulties in crystallising the extent to which Government funding should be applied to Operation Flinders. There was a long period of discussion, which involved both the identification of the focus and the extent of the financial and in-kind resources that were made available to Operation Flinders through the Government. The Crime Prevention Unit had previously made available quite substantial funds. One of the difficulties in the evaluation of the program was to determine whether it was meeting the particular goal of keeping young people at risk out of or succumbing to situations of risk. As a result of an extensive period of discussions, the program was formalised by an agreement with the Government. I think $60 000 will come in this current financial year from crime prevention moneys. As I said earlier, my understanding was that the agreement had been concluded. I will take that question on notice, make some inquiries and supply a proper answer to the honourable member.

**Mr ATKINSON:** Returning to the royal commission into the Hindmarsh Island Aboriginal women's business—

**Mr Brindal:** The Royal Commission was into the bridge, not Aboriginal women. At least be accurate.

**Mr ATKINSON:** Thank you, member for Unley, for that helpful advice. My next question arises from an article in the June edition of the *Adelaide Review* entitled 'Inside the ALRM', by a Hindmarsh constituent of mine, Ms Jacquelynne Wilcox-Bailey. Ms Wilcox-Bailey writes:

It is also likely that ATSIC or ALRM funds enabled a traditional Aboriginal woman to be brought from the north of the State to intimidate the dissident women during the royal commission.

Is the Attorney aware of the allegation, and is he able to comment on its veracity, given that it would be, if true, a breach of State law and would have been capable of prejudicing a State royal commission?

**The Hon. K.T. Griffin:** In terms of the funding aspect of it, that really is a Federal issue and not a State issue. The royal commission is quite clearly within the responsibility of the State. During the course of the royal commission allegations were made of intimidation. The Royal Commissioner herself endeavoured to deal with those sensitively, not wishing to make martyrs of any person in relation to those sorts of allegations. In respect of breaches of State law, I recollect at the time being asked by the media about intimidation and indicated that if there was evidence of intimidation, which would be a breach of State law, then the proper course was to inform me of the facts, and particularly the police who would have a primary responsibility for enforcing it. My recollection is that no information came forward. I read the article to which the honourable member refers, but I still had no information provided that would suggest there has been a breach of State law. Again I make the same observations as I made earlier, that if there is evidence of a breach of State law then the information ought to be produced to the appropriate agency within Government.

**Mr ATKINSON:** The same article alleges that Aboriginal people who are accused of offences are not being properly represented by ALRM because of the priority it is giving to the Hindmarsh Island bridge affair and to native title questions. Ms Wilcox-Bailey writes:

Some long-serving ALRM staff members say it is not separate enough and claim the romantic, political allure of native title is consuming the organisation so that it is losing direction. 'Native title and like issues are important to Aboriginal people', an ALRM source said. 'But they should be separate from ALRM so that it can stay focused on real issues affecting it; and that is that Aboriginal people are continuing to face courts at a higher rate than white people, and are still dying in gaols around the country.'

The article further states:

Meanwhile ALRM's main client base are joining the ranks of the disgruntled. At Port Augusta and Yatala prisons, Aboriginal inmates are restless at what they see as the preoccupation of ALRM with political issues, favouritism in providing services and a reluctance to challenge prison authorities on their behalf for fear of aggravating the stretched legal budget.

The article then quotes a prisoner, Mr Derek Bromley, who said:

The prisoners are concerned about a list of things including being forced to plead guilty—

**Mr Brindal:** I have a point of order, Sir. It is one thing to read that article into the *Hansard*, but what has this got to do with the Estimates? The honourable member might be leading into something but he seems to be quoting half the article before he does so.

**The CHAIRMAN:** I am waiting for the honourable member to lead into his question. Which particular line is the honourable member talking about?

**Mr ATKINSON:** It is to do with legal representation of accused. I shall continue and I shall make it relevant, Sir. Mr Bromley said:

Prisoners are concerned about a list of things including being forced to plead guilty, lawyers and field workers not turning up to appointments and not following up their cases.

Is the Attorney satisfied that South Australian Aboriginal accused and Aboriginal prisoners have proper legal representation, and are perceived inadequacies in the ALRM leading to Aboriginal accused and Aboriginal prisoners having access to State-funded legal aid?

**The Hon. K.T. Griffin:** I make, as an initial statement, this observation: that Aboriginal people who are charged with offences are entitled to the same level of competent legal representation as any other member of the community, and that ought to be the goal of the Aboriginal Legal Rights Movement. My association with the Aboriginal Legal Rights Movement, which is a Commonwealth-funded and not State-funded body, has more recently been in relation to native title. In relation to native title, whilst there have been some hard fought issues strongly debated, I have been satisfied with the level of representation by ALRM to the Government in relation to native title issues.

That is not to say that I agree with it, or that I would necessarily agree with the course that it follows. ALRM has represented some native title claimants but not all of them. Some native title claimants in the claims that have already been made are represented independently of the Aboriginal Legal Rights Movement and some, I think, have not been represented by anyone. So far as representation of Aboriginal people charged with criminal offences is concerned, I do not have any information that would suggest either that ALRM is competently or incompetently representing Aboriginal defendants.

The important thing to recognise is that ALRM does get its funding federally; that it is not associated with the Legal Services Commission; and that the Federal Minister for Aboriginal and Torres Strait Islander Affairs, Senator Herron, has, as I understand it, announced an inquiry into at least some parts of ALRM. I am not aware as to whether or not that inquiry extends to South Australia, but if there are concerns about the administration of ALRM, then all that I could do is to suggest to those who have concerns or criticisms that they take them up with the Federal Minister. I end on the note on which I started, and that is that I think Aboriginal people, who are over-represented in the criminal justice system, are entitled to and deserve quality legal representation. I make no comment, however, about the quality of representation from ALRM because I am not sufficiently familiar with it.

**Mr ATKINSON:** Are there still lawyers' fees unpaid in relation to the Hindmarsh Island Bridge Royal Commission? Can you provide details of any State Government expenditure associated with the investigation by Justice Matthews?

**The Hon. K.T. Griffin:** In terms of the Matthews inquiry, I will take that question on notice because I am not sure of the record keeping in relation to what may have been done with the inquiry. The only expenditure I can recollect would be through the Crown Solicitor's office and agencies of Government where officers may have been requested to provide information that would have been part of our submission. I am not sure that that would have been separately identified. I am not aware that any expenditure has been incurred outside of Government; for example, we are not paying for any lawyers outside of Government, as I recollect. I will take the question on notice so far as it relates to the Matthews inquiry.

In terms of lawyers' fees, I recollect that there are no such fees outstanding in relation to the Hindmarsh Island Bridge Royal Commission. Answers to various questions have been given in the Legislative Council, so I commend the Legislative Council *Hansard* staff, particularly in the most recent week of sitting, where we did outline a number of issues that had been the subject of questions in the Council.

There may be some other accounts outstanding. At 21 April there was about $69 000 outstanding. I am not sure about the current position, but it is only a few thousand dollars, if anything. I will take the question on notice and send a reply in the usual manner.

**Mr CUMMINS:** I refer to the DPP and the Committal Unit. Page 159 of the program description refers to funding of $389 000 for the unit for the year 1996-97. Can the Attorney advise on the impact of the Committal Unit?

**Membership:**

Mrs Kotz substituted for Mr Brindal.

**The Hon. K.T. Griffin:** I briefly referred to that in answering another question earlier. The Committal Unit has proved to be of excellent value. It has meant that the DPP has been able to become involved in indictable offences at a much earlier stage. Previously, the DPP might become involved in committal proceedings only if a difficulty happened to be perceived by police or there might have been a committal and the DPP got involved after the defendant had been committed for trial.

There were a number of areas where, subsequent to the DPP's becoming involved, decisions had to be taken not to pursue the prosecution, and that is traumatic for victims and relatives of victims, and so on. The unit now deals with all committal matters in the city, plus Christies Beach and Port Adelaide. In the period from 1 July 1995 up to and including 30 April 1996 the number of committals undertaken or in hand was 1 219. Of those, 209 were resolved summarily; 143 did not proceed further; and 73 were committed for sentence—that is 425 matters that did not proceed to trial in the superior courts due in large part to intervention of the unit.

In addition, police investigating officers have sought the unit's opinion and advice in determining appropriate charges on 415 matters in the same timeframe. Of these, 136 were advised not to proceed, 84 were charged as minor indictable and 56 were charged as summary. This is a total of 276 matters that did not reach the superior courts, again due in large part to the invention of the unit.

I make one other observation about the unit. Because it is in a sense weeding out matters at an earlier stage, it is intensifying the work load of the Supreme and District Courts because there are fewer matters that might fold either at the doorstep of the court or during the course of a trial. The information that comes from the Courts Administration Authority is that the judges, at least in the criminal area, are sitting for longer periods of time, not just on cases which take longer periods of time but for longer periods because many cases do not fold. That contributes to efficiency, quite obviously.

One cannot determine where that might ultimately end up, but one possible consequence may be that ultimately the work load in the criminal jurisdiction drops away, although there has been no sign of that up to the present time because a number of matters are still working their way through the system.

**Mr CUMMINS:** Staying with the DPP in relation to fraud prosecutions and referring generally to the program description, I understand that the Attorney-General announced an extra $100 000 in funding for the DPP's office. Can the Attorney advise on the way in which this funding will be used?

**The Hon. K.T. Griffin:** One of the concerns is that a number of major fraud trials are currently scheduled to be heard during the forthcoming year. They necessarily involve a significant amount of work in collating documents and papers, relating information to documents, and so on. Because there was a concern that there would also have to be some briefing out, as well as some greater levels of activity in the office relating to these fraud cases, we took the view that there ought to be an increase in funding at least for this financial year. As I understand it there are three long and complex trials to go before the higher courts in the second half of this year. They are expected to take at least six months in total to be heard.

The Commonwealth, through the Australian Securities Commission, has the responsibility for prosecuting corporate fraud where a company or corporate structure might be involved, but the State still has a substantial responsibility for other types of fraud. The legal profession comes in for its share of prosecutions, as do other professionals, where no corporate structure is involved.

There are a number of reasons for the increase in fraudulent activity. In another sense it is a good thing that more of it is coming to the notice of law enforcement agencies; otherwise, it would go largely undetected. Within the community there is less tolerance of acts which might originally have been called white collar crime and which may have been seen to be just smart behaviour. That is much less tolerated now than it used to be, and both within Government and the private sector there is a focus upon proper corporate behaviour which again has the consequences of changing the culture or ethos of an organisation which might result ultimately in corporate fraud coming to the notice of authorities.

**Mr CUMMINS:** I refer to community legal centres. Referring generally to the program descriptions, I understand that the Attorney-General recently announced an increase in funding for community legal centres. Will the Attorney-General advise the benefit that this will provide to the community legal centres and, in particular, to the Norwood office of the Community Legal Services, which is of interest to me as the member for Norwood?

**The Hon. K.T. Griffin:** The member for Norwood, I hope, will have many years ahead of him as the member for Norwood, unless there is a boundary redistribution and Norwood ceases to be part of that electorate. There has been an increase in funding for community legal centres. Some have not been funded. The difficulty is to find sufficient funds to cover the field.

In relation to those that have been funded, Bowden-Brompton has funding in the 1996-97 financial year of $54 710, and that includes $7 338 for a training and development officer's position. That is jointly funded by three community legal centres and held in trust by Bowden-Brompton Community Mediation and Legal Centre. Marion is getting $39 814; Noarlunga, $39 014; Norwood, $41 010; Para Districts, $39 410; and The Parks, $55 042. The total funding from the State for community legal centres in the 1996-97 financial year is $269 000. The increase in funding is $51 000 (that is largely to meet the community service award) plus CPI, taking the total amount to $73 000.

The community legal centres play an important part in providing suburban or local level advice and assistance, and the funding that has been made available by the Government is designed to ensure that they maintain their level of activity in those locations. In the next year we will be looking at trying to evaluate the work of community legal centres, locations and relationships between those centres. That is

meant not to alarm people but to try to evaluate whether the services, where provided, are being provided appropriately and in the appropriate location. We will be funding $5 000 to the South Australian Council of Community Legal Services, and that will facilitate a two-day planning seminar on the future of those community legal centres.

**Mr ATKINSON:** Has the Attorney-General considered the financial impact on the State of compensation that may be payable for wrongful extinguishment of native title on pastoral lands if the Attorneys-General's arguments in the Wik case are not accepted by the High Court?

**The Hon. K.T. Griffin:** It really is impossible to make that calculation. Under the agreement with the Commonwealth, as I recollect it (and I will check it to ensure that it is correct), the Commonwealth has accepted some responsibility for compensation for extinguishment of native title. Any calculation of the amount is like plucking a figure out of the air, largely because the rights covered by the description 'native title' are not necessarily rights akin to freehold land. They may be the right to pass over, to hunt, to conduct ceremonies, to take native vegetables or to fish.

The difficulty is that, if we deal with native title in those sorts of respects, it is difficult to quantify what if any compensation might be payable. There is also the question whether native title can co-exist with other uses. For example, it is quite likely that one can explore without compromising native title. There is, of course, the debate which ultimately the High Court will resolve at some time or another about whether pastoral leases extinguish native title. That is peripheral to the issue to which the honourable member refers. In summary, we have not made a calculation; I do not think it is possible to make a calculation. We need to get a long way down the track before anyone attempts to crystallise that sort of issue.

**Mr ATKINSON:** I refer to page 150 of the Program Estimates. Why did the bank litigation team budget blow out to nearly double the estimated cost in the current financial year? What significant matters account for the further $4.5 million budgeted for the work of the bank litigation team in the coming financial year?

**The Hon. K.T. Griffin:** The bank litigation section was established by the previous Government, and we continued that. It was an important initiative to bring together expertise from both the public and private sectors to manage the conduct of the two major actions in which the State is involved: the actions against the bank auditors and the actions against the Beneficial Finance auditors. I will not make any comment about those cases, because they are subject to litigation. The initiative to bring together resources was an important one. The practitioners seconded from the private sector and engaged by the Crown Solicitor included Paul Slattery, Tim Stanley, Mark Hoffman, Martyn Keith, Barry Jenner and a number of others. They brought together public law experience, responsibility for managing the claims and the private sector commercial experience, which is invaluable.

During 1995-96 it became clear that the budget allocation would not adequately deal with the expenditure required to pursue the litigation. In particular, there were overruns in the expenditure on expert witnesses in the audit negligence litigation. That occurred beyond the original estimates by about $3 million. These experts have provided detailed accounting advice on a range of activities of the bank and also on the manner in which the audits of the organisation should have occurred. Although original estimates of expenditure were provided by such experts, overruns have occurred due to the amount of work required by them to properly ascertain the breaches of duty by the auditors and to deal with the inadequacy of both the audits performed and of the systems in place within the bank and Beneficial Finance Corporation. That information is vital to the plaintiff's case.

The budget overrun in this area accounts for the majority of the budget overrun. The budget and forecast for future years have been subject to continuing negotiation with Government. The income received from the settlement in the Oceanic Capital Corporation has been apportioned to meet a large percentage of the forecast budget overruns for the 1995-96 financial year. The fact is that, where one has a complex piece of litigation involving experts spending a great deal of time and energy on very complex audit and other accounting issues, the cost does rocket. We are endeavouring to keep good control of that through the reporting processes to me and to the Government generally. The Government's objective is to get the matters to trial as quickly as possible, and that requires a judgment about the extent of the funding necessary to do that within a reasonable period of time. We also need to ensure that our case is the best that we are able to run. The advice we have is that it is a very strong case in both instances, and we intend to continue pressing on with the statement of claim, summary of the statement of claim, defences, discovery, and so on.

**Mr ATKINSON:** How much has been spent by the State on fighting the freedom of information application by the Leader of the Opposition in relation to the public polling on water management privatisation?

**The Hon. K.T. Griffin:** I will take that matter on notice.

**Mr MEIER:** At page 160 of the Program Estimates reference is made to $1.54 million funding for the business and competition unit. What will be the benefit of the competition unit, and what services will it provide?

**The Hon. K.T. Griffin:** The Government has addressed a number of issues in relation to outsourcing, to the competition policy put in place under the previous Federal Government (and at least partly under the previous State Government in South Australia) and to industrial issues. These all suggested that at least in terms of the Crown Solicitor's Office we ought to examine a restructuring of the manner in which we provide advice to Government—whether on an agency basis or a whole of Government basis. Obviously, policy issues are involved as well as practical issues which relate to the level of advice and the quality of the advice. South Australia will benefit substantially from competition payments made by the Commonwealth to the States over the next 10 years. We have to undertake a process of reviewing legislation which has an anti-competitive component. We have to deal with issues such as the national electricity market and the gas market. We have to deal with a variety of other issues related to competition.

In that context, our view is that there ought to be a business and competition unit within the Crown Solicitor's Office to more effectively focus upon the provision of advice to Government. The Crown Solicitor's Office is also very much involved in advice on prudential management and on probity issues. There are some very good lawyers in the Crown Solicitor's Office focussed upon this, but we thought that, by upgrading the level of advice, that would be to the ultimate benefit of the Government. Some of the advice will be of an industrial nature, advice presently being given through an industrial unit within the Crown Solicitor's Office. Whilst the amount of money is expressed to be in the

amounts referred to, a significant amount of that has already been paid out in the previous year and will continue to be paid out in the next year for advice in relation to industrial matters. It is a reaction to the needs of the time that prompts us to move in this direction. It may be that the Chief Executive Officer wants to add to that and I will invite him to do so.

**Mr Kelly:** The additional matters that the new section will advise upon relate to access regimes, the subject of the new competition legislation that each State has had to enact as a result of the competition policy that has been adopted nationally. The new section will deal with those sorts of issues, including tax equivalent regimes, competitive neutrality and examination of the legislation of various statutory authorities with a view to reviewing that legislation. The new section will specialise in areas dealing with the application of the Trade Practices Act to entities of the State. The new positions have been called for and advertised nationally and they are in the process of being filled.

**Mr MEIER:** I am aware that the Office of Crime Statistics has released an information bulletin. Will the Attorney-General outline what I regard as an excellent initiative?

*Mr Atkinson interjecting:*

**The Hon. K.T. Griffin:** If I may respond to the interjection by the member for Spence, it was really taken out of context. If he looks at the report, which was released yesterday, he will see that it brings together a lot of information which previously was not available, and policy makers will be able to look at strategies for dealing with auto theft.

The Office of Crime Statistics, which is a very professional and capable part of the Attorney-General's Department, has a high reputation around Australia. It is now moving into crime statistics information bulletins, which will be bimonthly. They will deal with particular issues relating to crime and the criminal justice system. The first one, which was released in April, relates to sexual offending in South Australia. Through the Office of Crime Statistics, we will release bulletins in relation to domestic violence, arson (particularly in schools), trends in robbery and crime against the elderly. The aim is to provide a timely and accurate information service in a form which is easy to read and understand. It is designed to increase people's knowledge of crime and related issues and the context in which those issues should be considered. If people want to distort or take it out of context, that is a matter for them. It is designed to provide a basis for objective information on which we might have a vigorous and healthy debate about crime-related issues.

**Mr MEIER:** Can the Attorney-General advise the Committee about the likely implementation date for community titles and the benefits for development in South Australia?

**The Hon. K.T. Griffin:** A great deal of work has been done on community title legislation and it has been through the Parliament. We are hoping to implement it on 4 November this year. That might seem a long way out, but there are some complex issues to be addressed as well as computing requirements which have to be put in place. The business and development communities have been pressing for this for some time.

Officers undertook very extensive research into what was happening in other States. In our legislation they have picked the best, plus some innovation which will be to the benefit of business parks, research parks, resorts, urban developments, rural retreats, industrial developments and mobile homes and parks. Provided there are adequate funds in the development industry, it should provide new opportunities for developing community living facilities. No more strata titles will be issued after the date when this legislation comes into operation. There is an easy transition process to get from a strata to a community title. I think that 4 November will be an important day in the real estate and development industries, and there is every indication that the target will be met at that time.

**Mr ATKINSON:** How many Dietrich applications were made in the present financial year and how many were successful?

**The Hon. K.T. Griffin:** Perhaps I can give the member some other information related to the number of applications but for a different time period. Since July 1994 there were 10 matters where applications were made, foreshadowed, did not proceed and generally caused delay in proceedings. Several Dietrich application hearings related to Commonwealth DPP matters, and there were 10 of those. There were 14 hearings of applications. I will check the number of decisions that have been taken in that period or in the present financial year. Dietrich applications can involve hearings for up to five days. The difficulty is ultimately to get to the facts about a defendants's financial circumstances. That is why the Bill to which I referred before lunch was brought before the Parliament, but some amendments may have to be made to it to accommodate some of the issues which have been raised in the consultation period.

But it is quite clear to me that there has to be an established legal process by which we deal with Deitrich applications and that those processes ought to be determined by the Parliament not by the courts—although ultimately the issue of indigence may be a matter which is resolved by the courts. At the moment there is no guideline for the courts other than the High Court decision, and that is capable of a variety of interpretations. Again, it is the reason why we have introduced legislation which is directed towards trying at least to crystallise the issues that have to be addressed.

The other thing is that we have to determine what facts are taken into account. If a person claims to be indigent but the family is living off the fat of the land, is it fair that the taxpayer of the State should be funding that defendant's legal costs? There are a number of examples of that around Australia that one could draw upon. There are some important issues of principle, certainly in relation to fair and proper representation of defendants, but also the extent to which the taxpayers ought to be funding the defence of a defendant in the circumstances to which I have referred, whilst many of the taxpayers of the State are themselves indigent or impecunious and have to see other people who might be regarded as high-flyers being funded by taxpayers. They are obviously issues we will debate in the Parliament but they are important issues to keep in mind as we deal with what is a particularly complex issue.

**Mr ATKINSON:** As a supplementary question, with respect to any successful applications, what was the source of the funding, and what was the cost of the legal services provided for each application? Would the Minister prefer to take that on notice?

**The Hon. K.T. Griffin:** I would prefer to take that matter on notice. One matter did not get to final decision in the court where funding is available. As it is a current matter, it is not appropriate to discuss it here. But what I will do for the honourable member and for the Committee is look at the

appropriate way in which that question can be answered to provide relevant information.

**Mr ATKINSON:** Referring further to page 159 of the Program Estimates, can the Attorney say whether a prosecution for exhibiting pornographic material to a minor failed this year only because the office of the Director of Public Prosecutions forgot to fulfil the technical requirement of requesting the Minister's permission to proceed?

**The Hon. K.T. Griffin:** I do not have any recollection of that being drawn to my attention. There have been a number of prosecutions, more in the current year than there have been previously, because I have indicated that I will certainly give my approval to prosecute breaches of section 33 of the Summary Offences Act which, of course, relates to indecent and offensive material—mostly in relation to child pornography. I do still have a discretion and, whilst I have indicated that I am prepared to give my approval, I still look at each one separately and make my own judgment about the appropriateness of it. I have given my consent to a number of prosecutions in relation to that issue. I do not have the information readily available.

**Mr ATKINSON:** What if I give you the name off the record?

**The Hon. K.T. Griffin:** If the honourable member is prepared to give me the name off the record, I am prepared to have the matter examined. Generally they are instituted by the police because they are summary offences. They will generally be forwarded through police to the DPP and then to me. As I said, I have certainly authorised a number of prosecutions in the past year—more than I think have been instituted in past years—in relation to those sorts of offences. I will try to get some information about the numbers, for a start and, more particularly, on the matter to which the honourable member refers in his question.

**Mr ATKINSON:** I refer to page 168 of the Program Estimates, under the heading 'Payment to victims of crime', how many requests for *ex gratia* payments have been received in the current financial year? What proportion have been granted, and how does this compare with previous years?

**The Hon. K.T. Griffin:** One of the difficulties that was identified in the Legislative Review Committee, which undertook a review of criminal injuries compensation matters, was that the statistical basis for the records of criminal injuries compensation payments are not topnotch but we do seek to put in place a better system which will deal with the keeping and analysing of statistics in relation to the Criminal Injuries Compensation Fund. However, basically, we are waiting for mandated systems through the whole of Government before that comes into effect in the Attorney-General's Department. In relation to *ex gratia* payments, neither I nor my predecessor under law are required to give reasons for the exercise of discretion which is absolute.

**Mr ATKINSON:** And you are outstanding in that respect.

**The Hon. K.T. Griffin:** Well, I try to be fair. But my predecessor also sought to maintain that approach. In relation to *ex gratia* payments, I cannot tell you how many applications have actually been made or granted but I can tell you that in the 1994-95 year $159 000 was paid out by way of *ex gratia* payments. In 1995-96, the estimate is $115 000. Generally, the number of claims is going up, although, as a result of the scaling of non-economic loss payments by an Act of Parliament under the previous Attorney-General, the quantum of claims is actually diminishing slightly. So in the last financial year, 1994-95, there were 1 028 claims, and the pay-out from the fund was $13.620 million. In 1995-96 the estimate of claims is $1 200. As at 30 April, compensation payments amount to $13 130 000. As I understand it, that is not an estimate for the whole of the current year. I will have those figures checked, because I do not want to mislead the Committee about those. In terms of *ex gratia* payments, there are always difficulties to resolve, and a significant element of judgment is involved. All I can indicate is that I endeavour to deal fairly with every application. I read the files, and we endeavour to get as much information as possible before I make a decision.

**Mrs KOTZ:** On page 161 of the Program Estimates, there is mention of an auto-theft research system. The Environment, Resources and Development Committee, of which I am the Presiding Member, recently received a reference from Parliament to look at motor vehicles and other issues, one of which was motor vehicle theft. It was a great disappointment to the members of the committee that during the investigation we discovered that there is a tremendous lack of data and information, either collected or collated, in many different areas of Government, and that made it extremely difficult for us to make decisions based on fully researched and extensive information. It was easy for us to determine that one of our recommendations should be that data collection should be looked at by the different areas concerned and, if necessary, more resources made available. In the specific targets and objectives for 1996-97 there is reference to the production of a second annual report on motor vehicle theft and three statistical updates. I understand that the Attorney-General recently released the inaugural report. What is the outcome of that report and what work is ongoing in this area?

**The Hon. K.T. Griffin:** The good thing, in a sense, is that motor vehicle thefts peaked in 1990-91. They had been trending downwards quite dramatically in the early stages of the past four or five years, but about 9 000 vehicles are still stolen each year and I think from memory, I may not be precise, the recovery rate is about 85 per cent. The concern that the honourable member raises is one which the State Vehicle Theft Reduction Committee identified in 1993. A pilot project, which was completed in June 1994, looked at the issue of motor vehicle statistics. This study approved a recommendation that the Office of Crime Statistics establish an integrated database of motor vehicle statistics.

The comprehensive auto theft research system was commenced last year. It received conditional funding of $46 000 from private and public sector organisations including insurance companies via the Insurance Council of Australia, the Department of Transport, the Royal Automobile Association of South Australia, and the State Government Insurance Commission, as well as the Police and the Office of Crime Statistics. The police did not provide any funding directly, but they did offer assistance to cover all internal costs. A further amount of $40 000 has been provided to the end of 1996 when the renewal of the project sponsorship is to be reviewed. Yesterday, I released the report for 1995. It is an illuminating research project in that, for the first time in Australia, it brings together the public and private sectors. It enables the tracking of vehicles, even down to the colour of the car that has been stolen and where it has been recovered.

The member for Spence made a flippant remark about putting on another bus because some of the stolen cars are dumped where there is no bus terminus. I think that was a flippant remark, but what I said in that regard was that perhaps one of the things that the Government should look

at as a result of this research is the relationship of public transport to motor vehicle theft and *vice versa*. I put it into the context of trying to ensure that an adequate assessment be made of resources to determine whether it is appropriate to put that level of resources into meeting that level of criminal behaviour.

The project involves integrating vehicle theft and recovery data from the police, the motor registration section of the Department of Transport, and 32 participating insurance companies. It is linked via the vehicle's registration number. It is analysed to identify trends or patterns in the data and to provide a basis for policy recommendation. It is important to recognise that the database does not contain names of individuals. The insurance data provides greater detail and accuracy with regard to the various costs associated with each theft. For example, companies provide the Office of Crime Statistics with the details of amounts paid out directly to the insurer, the value of parts stolen from the vehicle, the value of parts damaged, the costs incurred by insurance companies in processing claims, and the amounts reclaimed via the salvage of recovered vehicles.

I have indicated that I would like to see this project go national. The leaders' forum has approved a national motor vehicle theft task force. That can only operate effectively if it has a good statistical database upon which to operate. Whether that comes about remains to be seen, but we have demonstrated in this State that we can all work together (both the public and private sectors), and there is a level of competence in this research project which would be invaluable if it were to be extended nationally.

**Mrs KOTZ:** I am disappointed that the member for Spence is not in the Chamber at the moment, because I think he and I would be the last two serving members of Parliament who sat on the Select Committee for Juvenile Justice. On page 161, the program description refers to the review of the juvenile justice advisory system. I am sure the honourable member would be as interested as me in knowing whether the Attorney-General can advise a likely timeframe for the completion of this review.

**The Hon. K.T. Griffin:** Ms Joy Wundersitz, the Director of the Office of Crime Statistics, under the auspices of the South Australian Juvenile Justice Advisory Committee, undertook a complete and detailed review of the statistics in relation to the juvenile justice system. As the honourable member knows, the new system came into operation on 1 January 1994. The work of the Office of Crime Statistics has involved a detailed statistical overview for the 1994-95 financial year of the numbers of young people processed at each level of the system. That deals with informal and formal cautions, family conferences and the Youth Court, the way in which they are processed and the outcomes achieved. It also details the types of offences committed, the demographic profile of offenders, and some information on reapprehension rates. It involves a qualitative assessment using information derived from personal interviews with key juvenile justice personnel, such as the police, youth officers, youth justice coordinators, youth court judiciary, lawyers and social workers, and it is proposed to provide an assessment of how the system is functioning from the perspective of those who have responsibility for administering the system or who are otherwise involved in its operation.

There are some interesting statistics on this matter. During 1994-95, almost 15 000 cases were dealt with by police; of that number 33.5 per cent were dealt with by way of an informal police caution; 22.5 per cent received a formal police caution; 11.5 per cent were referred to a family conference; and 29.8 per cent were referred to the Youth Court. The majority of cases involved males, or young people aged 16 and 17. Aboriginal youths were over-represented, accounting for 14 per cent of all cases, and that was the position under the old system as well.

Property offences, mainly larcenies, featured as the major charge in over 50 per cent of cases, with offences against the person accounting for a relatively small proportion. Over half (53.6 per cent) of the 3 300 formal cautions administered by police resulted in the young person's agreeing to enter into an undertaking; 20.3 per cent resulted in an apology; 11.8 per cent resulted in the payment of compensation; 7.3 per cent resulted in community work; and almost 40 per cent involved some other condition.

The initial reaction to this (but it has not been the subject of a report to me by the Juvenile Justice Advisory Committee) is that a number of matters are still going to the Youth Court and not being directed through the family conferencing system.

Certainly good use is being made of informal and formal police cautions, but the number of matters still going to court are of some interest and possible concern. It was intended that the report would be handed to me by about the end of July. I still hope that can be achieved, but I think it would be a matter of months, rather than longer, before we get the final report. It will be a very valuable tool in determining whether the system is working or not working, or in one part not working but in another part working, and what changes should be made. It always was intended by the committee and by the Parliament that there be a review. This review, I think, should satisfy all members of the Parliament and the former committee. It is an objective assessment of how things are going.

**Mrs KOTZ:** Supplementary to that question, I notice that the statistics show that a minimal number of apologies were received in the area of family conferencing. I understand that the initial policy covering the in-depth aspect of family conferencing was to seek, in the first instance, an apology to the victim. Has there been a policy change in that respect? There seems to be an inconsistency with original policy expectations, with a minimal percentage of apologies being received.

**The Hon. K.T. Griffin:** Certainly I will follow up the issue of formal cautions, but I did not inform the honourable member that, with respect to family conferencing, 1 880 cases were listed, 92 per cent of which resulted in a successful outcome. I gave initially the formal cautions, but 35 per cent of the cases listed for family conference in fact resulted in an apology, so it is a higher percentage than for formal cautions. It is an important question about which I do not have all the information, and it may be appropriate for the Juvenile Justice Advisory Committee to take that into account in its reporting process.

**Mrs KOTZ:** At page 168 of the program descriptions, under specific targets/objectives for 1995-96, a reference is made to continued support for the Victims of Crime Service. Will the Attorney-General provide further information as to how he believes this has been achieved?

**The Hon. K.T. Griffin:** We spent some money on a consultancy in relation to the Victims of Crime Service because, in all the time that it had been receiving substantial Government funding, it had not been the subject of any evaluation. Following some concerns that had been expressed by the council of the Victims of Crime Service, I took the

view that it was important to have a look at what it was doing, why it was doing it, whether it was directing its energies in the right direction, and whether the Government funding, which was over $340 000 in the last financial year, was being spent—

*Mrs Kotz interjecting:*

**The Hon. K.T. Griffin:** No evaluation process. So, we put in place an evaluation as a result of a consultancy, which was done in consultation with and the cooperation of the council to review existing services, the present financial management and the staffing arrangements. For example, there was a concern that volunteers were no longer being used as effectively or as extensively as they had been in the past. More professionals were being used, and the question was whether the service should go back to using or developing a system that put more emphasis upon volunteers. Appropriate roles and responsibilities of volunteers was also discussed, and whether there were any financial or administrative consequences either for the agency or the Government as a whole.

The consultant made a number of recommendations, which the council has been considering, particularly focussing upon other avenues of fundraising other than relying solely on Government. As part of a broader funding strategy, it even suggested a change of name to Victim Support Service rather than Victims of Crime Service. An amount of $25 000 was spent on that consultancy; $4 000 also was granted to allow it to conduct a strategic planning seminar. A new Director, Mr Mike Dawson, of Coopers and Lybrand, has been appointed, and he commences in a fortnight. I believe it has been very valuable to have a review. The evaluation was not proposed to be threatening, and that is why the council was kept very much involved in it: it was conducted under the council's auspices but with the guidance of Government.

**Mr ATKINSON:** In relation to requests for *ex gratia* payments, has any analysis been undertaken of the types of injuries involved or the circumstances which lead victims to seek this remedy rather than or in addition to litigation of some kind?

**The Hon. K.T. Griffin:** Does the honourable member mean criminal injuries compensation?

**Mr ATKINSON:** Yes.

**The Hon. K.T. Griffin:** The Act has a very comprehensive description of the circumstances in which *ex gratia* payments may be considered. Because there is such a variety of circumstances in which people may seek an *ex gratia* payment, I am not sure that any analysis would really give us any useful information. I am not aware that there has been an analysis, but I will have that matter looked at and let the Committee have an appropriate reply. In terms of *ex gratia* payments, for example, there may be circumstances in which there has been an acquittal. There may have been some technical basis upon which the acquittal has been made; nevertheless, there is clear evidence of a criminal offence. There is a variety of other circumstances in which an *ex gratia* payment may be considered. Again, if there is some information that can be made available, I get an answer back to the Committee.

**Mr ATKINSON:** Has the victims of crime section of the Crown Solicitor's Office been directed to take a tougher approach in negotiations with those who have sought compensation through the court process, and is this leading to an increasing number of matters going to trial in the District Court? Lawyers practising in this area have informed the Opposition that they have noticed a harder line being taken when negotiating settlement of these matters in recent times.

**The Hon. K.T. Griffin:** The simple answer is 'No.' I have not given any direction to the Crown Solicitor's Office in relation to the way in which it should handle these. It endeavours to be fair but it must be remembered that compensation or money paid to victims of crime is largely funded by the taxpayers of this State and there is a public interest responsibility upon not so much the Government as much as those who are managing the administration of claims to ensure that the proper basis has been established for both an initial acceptance that there is an entitlement and, secondly, the quantum of that entitlement.

I can understand that those lawyers who practise largely in this jurisdiction might express concern about some of my responses regarding *ex gratia* payments, because they are critical at times. They have a duty to their client which they perform quite vigorously, but equally I have a public duty and responsibility under the Act, and that is why I am always endeavouring to be fair about judgments that I make. Most of the applications for criminal injuries compensation never cross my desk, because they are dealt with within the Crown Solicitor's Office according to the processes which have been in place for quite a long time, well before I became Attorney-General in 1993.

**Mr ATKINSON:** Turning to the question of legal aid, what impact might there be on your budget and the provision of legal services in the State if we are faced with greatly reduced grants from the Commonwealth, for example, in relation to the Legal Services Commission?

**The Hon. K.T. Griffin:** We have not made an assessment of what may or may not be the outcome. That is something that is best dealt with after the Federal budget is handed down.

**Mr ATKINSON:** Surely you can see what is coming?

**The Hon. K.T. Griffin:** Not necessarily in relation to legal aid. There has been no signal that we are going to suffer a reduction in Commonwealth funding. My predecessor negotiated with the then Commonwealth Government a significantly amended contribution by the State from 25 per cent of total legal aid funding up to 40 per cent. I was Attorney-General when we negotiated that the Commonwealth should pay 75 per cent and the State 25 per cent, but it was subsequently renegotiated by my predecessor. As a result of that, in the 1996-97 budget the State is required to pick up by way of State grant something like $4 858 000.

In our budget we have also provided for $9 387 600 from the Commonwealth directly, but some additional funds have been made available: an interpreters' supplement, a superannuation supplement, set-up costs for child support and some additional Commonwealth funding of $451 000 under the Commonwealth Justice Statement. They are all programs that are specifically funded by the Commonwealth in respect of which no State contribution is required. If the Commonwealth cuts those, we will not be picking them up. That is the statement which the Premier has made, because they are Commonwealth programs. In terms of the base funding, we have no suggestion that the Commonwealth is going to reduce it, and we will jump that hurdle when we get to it.

**Mr CUMMINS:** I now turn to the Liquor Licensing Act review. I note that the last point on page 162 of the program description refers to the fact that there is a review of the Act. I have made submissions to Tim Anderson QC, who is handling that review, on behalf of the music industry in South

Australia, because of the dramatic effect that loss or suspension of licensed premises has on musicians and contracts in which they are involved. Therefore, I am particularly interested in this area. Can the Attorney-General advise on the likely timeframe for completion of this important review?

**The Hon. K.T. Griffin:** We are hoping that it will be finished by the end of September. There is always a variety of ways in which one can conduct a review. I was anxious to try to deal with it in the most cost effective way and as expeditiously as possible, and that was the reason for appointing Mr Anderson QC. A number of issues which affect the liquor industry are not only important for the industry but also for those who may in some way or another be involved with it. Musicians are one group to whom the member referred. I am conscious that when the Liquor Licensing Court has exercised its power to suspend licences concern has been expressed by the music industry, but the difficulty is that, if a matter is before the court, whilst it is on the public record, there is little that can be done about the relationship until the court actually makes its decision.

One suggestion was that there ought to be some forewarning to the music industry about an impending court action. The difficulty that that raises, though, is the question of individual rights, defamation and pre-empting a court decision. It is a very delicate issue where I do not think there is an easy answer. If you have made a submission to Mr Anderson QC in relation to that issue, that is the appropriate course to follow, and hopefully at the end of that review it may be one of the issues about which he will make recommendations.

**Mr CUMMINS:** Still in relation to the liquor industry and training therein, I refer to page 162 of the program description, which refers to the development of national standards for liquor licensing training. Can the Attorney advise on the work being undertaken in this area?

**The Hon. K.T. Griffin:** Members may recollect that we had passed an amendment to the Liquor Licensing Act which seeks to place a greater emphasis upon training as a disciplinary option as well as an option in the granting of a licence. A number of training modules have been developed by the industry training body, Tourism Hospitality Training SA Inc. The courses are often on a monthly basis depending on demand and include liquor management and operations, liquor licensing laws—that is presented by the Commissioner or his nominee—kitchen management and operations, food handling and hygiene, staff selection and management, industrial relations and awards, finance and business management, customer relations and the responsible service of alcohol and sales and marketing. About 132 people have been required to attend one or more of these training modules as a condition of approval.

It is interesting to note that some people in the industry voluntarily attended these training modules because they can see the value of proper training. The industry is very supportive of this. It is all part of the approach to emphasised responsible service of alcohol and the proper management of licensed institutions. I will ask the Commissioner, Mr Prior, if he wishes to add anything as he has been a strong supporter of greater emphasis upon training in the industry.

**Mr Prior:** There are two aspects, and the Attorney-General has commented on the State specific aspects of it. South Australia has also been in the forefront in trying to develop national standards in a range of industries—not only the liquor industry but also the gaming machine and casino industries—with a view to equipping people to work in the industry, irrespective of which State they come from. At the moment we find that a person undertaking a responsible service of alcohol in New South Wales may not be undertaking the same type of modules that a person in South Australia would undertake. I hope that in September of this year, at the Australasian CEOs forum, we will have all the modules completed and we will get agreement between the States that we will accept each State's training for the purposes of determining whether a person is fit to operate in the industry. It has been a major initiative. Three or four years ago people simply did not believe that the States could cooperate to achieve this. It is consistent with the competition policy—a major initiative.

**Mr ATKINSON:** I refer to page 159 of the Program Estimates under the heading 'Prosecution Services'. What is the new management structure of the Office of the Director of Public Prosecutions, referred to under 'Specific Targets-Achievements'?

**The Hon. K.T. Griffin:** I do not have that information readily available, but I will provide it. It is largely related to the committal unit and where it is going and to the fraud officer, but I am happy to take the question on notice.

**Mr ATKINSON:** The member for Norwood mentioned racing, gaming and liquor. What accounts for the 40 per cent decrease in the budget for casino regulations specified on page 151 of the Program Estimates? What is the Attorney's view of any plans for a second casino in South Australia?

**The Hon. K.T. Griffin:** I have never heard of a second casino in South Australia.

**Mr ATKINSON:** Don't they talk to you?

**The Hon. K.T. Griffin:** I don't have a particular interest in casinos, anyway—the honourable member should know that. I will ask the Chief Executive Officer, Mr Kelly, to address this question.

**Mr Kelly:** The reduction in expenditure for this program is due to a number of factors: first, the accommodation payments have been transferred to another program, entitled 'Interagency Support Services', not allocated to programming, and this transfer is due to the fact that departmental accommodation will now be shown under this program. In order for correct estimates to be made, each division was required to make a contribution. The contribution by program 8 to accommodation was $627 000. In addition, in order to meet the budget timetable of the Department of Treasury and Finance, a notional cut needed to be made to the budget (and this arose primarily from a lower than anticipated appropriation from Treasury). Due principally to short budget time frames, allocations were required and this budget was reworked and a notional cut made, but when the department's final outcomes are known it is likely that these funds will be reinstated.

**Mr ATKINSON:** On the same lines, does Mr Kelly's explanation also apply to the substantial decrease in the budget for the regulation of gaming machines?

**Mr Kelly:** That is correct. I cannot take the explanations any further than those previously given.

**Mr ATKINSON:** Why has the budget for regulation of the liquor industry been nearly halved and is this pre-empting the inquiry into liquor licensing laws initiated by the Attorney?

**Mr Kelly:** There needed to be, in the time frames available, a cut made somewhere in the papers to accommodate the actual appropriation. I have referred to the fact that accommodation payments were transferred out of this program. It is likely that by 30 June, as the financial year

ends and receipts are finally tallied up for the department as a whole, we will be able to redistribute the effect of that cut. It happened to be made in a particular program.

**Mr ATKINSON:** It was a notional cut.

**Mr Kelly:** Yes. When the department's final outcomes are known at the end of the financial year, it is likely that those funds will be restored.

**The Hon. K.T. Griffin:** It is not done in anticipation of the liquor licensing review. Whatever we do in relation to that review there will still be liquor licences and enforcement. As the Chief Executive Officer indicates, it is not indicative of what might be the final outcome of the review or the reworking of the budget.

**Mr ATKINSON:** I refer to prosecutions on page 159 of the Program Estimates. Will the Attorney explain to the Committee the final specific target-objective for 1996-97, namely, to find the range of information to be given to defence counsel beyond the normal procedural requirement? What has happened to prompt that target?

**The Hon. K.T. Griffin:** Some procedural requirements provide that certain information must be given to an accused person by the prosecution. It may be, for example, a transcript of a video tape or an audio tape. So, they are required by law as a minimum. My recollection of the discussion with the DPP in relation to this is that the DPP is considering whether more information could appropriately be given to ensure that the defendant has more information upon which to determine whether or not there is a case to answer. That is quite an appropriate matter to consider if it will end up with a defendant making a decision about defending a matter, pleading guilty, or accepting a lesser charge. That is my understanding of what might be involved but, again, because I do not want to mislead the Committee, I will undertake to have that matter checked and confirmation or otherwise of the answer provided to the Committee.

**Mr ATKINSON:** I refer to the Police Complaints Authority. What was the rate of increase in complaints to the Police Complaints Authority in the past year?

**The Hon. K.T. Griffin:** The honourable member will recognise that the Police Complaints Authority is independent of Government, although through the Attorney-General's Department, we provide support services. The Police Complaints Authority will submit an Annual Report which provides information to the Parliament. The information which I have from the Police Complaints Authority indicates that in 1994-95 it registered 1 484 complaints. The anticipation is that in 1995-96 there will be about 1 200 complaints, and that is at a level a little higher than in 1993-94. The Police Complaints Authority has concentrated almost solely on complaints and, because of the strategies which he has adopted, it has been possible to keep up with the flow of new complaints and to practically eliminate the backlog of old files awaiting assessment.

The honourable member may remember that three or four years ago, at a time when Mr Peter Boyce became Police Complaints Authority, there was a substantial backlog; in fact, it was an unacceptable backlog. Mr Boyce managed to reduce that backlog. On my information, Mr Wainwright has now practically eliminated the backlog of old files awaiting assessment, and that is a very commendable approach. The Attorney-General's Department made available $175 000 per annum for three years to the authority. That is, in effect, a subsidy, because we were not funded from the budget, and we have had to make adjustments within our departmental budget to meet that. The subsidy expires at the end of June 1997 and, hopefully, we will be able to deal with that in a budget context next year such that the Police Complaints Authority will be able to maintain the pace of resolution of complaints.

The honourable member may also recollect that there is a process in place by arrangement with the Police Department that enables the Police Department to deal informally with certain complaints such as the less serious complaints that may relate more to management and human resource issues than to complaints of malpractice or otherwise. The Police Complaints Authority actually audits the outcomes. Twenty six per cent of complaints in the current year have been dealt with in this way. An Aboriginal liaison officer was appointed from February 1996 for a period of 12 months. The funding for that is shared among the Police Complaints Authority, the Crown Solicitor and the Commissioner for Public Employment. It is important to recognise that that followed recommendation 226 of the Royal Commission into Aboriginal Deaths in Custody.

**Mr ATKINSON:** Does the Attorney consider and does the Police Complaints Authority consider that the current resources provided to the Police Complaints Authority are satisfactory?

**The Hon. K.T. Griffin:** There are always issues about resources. It is one of the reasons why the Attorney-General's Department made available $175 000. I think that the Police Complaints Authority would like to have more resources. It is a question of trying to ensure that a reasonable level of activity is maintained by the Police Complaints Authority in dealing with complaints against police. The issue will be the subject of greater focus at the end of the 1996-97 financial year. Whilst we will, closer to the time, address the issue of resources, for the moment the current year is adequately addressed. As I said, one can always do with more resources. On the other hand, one has to ensure that the Police Complaints Authority is properly able to perform the functions required by statute. There has been no information suggested to me that that has not occurred.

**Mr ATKINSON:** What is the current level of professional and non-professional staffing of the Police Complaints Authority? What has the staff turnover been like in the past 12 months, and what changes are expected in the coming financial year?

**The Hon. K.T. Griffin:** The authority presently employs 9.8 full-time equivalents. A further three full-time equivalents are seconded from the Crown Solicitor's Office, and they are paid for from the budget of the Police Complaints Authority. I am not aware that there has been any significant turnover of staff. The Chief Executive Officer is better equipped than I to deal with staffing issues. After all, he has the public sector management responsibility for them. I will ask him to add to the answer I have given.

**Mr Kelly:** I will need to check the records. I think there has been some staff turnover following the departure of Peter Boyce as Police Complaints Authority and Tony Wainwright's arrival, but not connected to that. There were a number of contract positions that expired, and I think there have been a number of appointments made to the office over the last year to 18 months, but I will, through the Attorney, provide information to the Committee on that point.

**The Hon. K.T. Griffin:** In the course of the preparation of the 1996-97 budget there was no budget bid by the Police Complaints Authority for anything other than the three additional staff that the Attorney-General's Department funds.

**Mr ATKINSON:** I refer to page 151 of the Program Estimates. What accounts for the significant reduction in expenditure on civil proceedings under the heading 'Legal Services to the State'?

**The Hon. K.T. Griffin:** I will ask Mr Pennifold to respond.

**Mr Pennifold:** As previously stated, the costs associated with accommodation throughout the agency have been transferred from various programs into the program under Interagency Support Services. In the Estimates you will see a significant increase of about $5 million. A portion of the reductions in the various programs reflect that transfer.

**Mr ATKINSON:** I refer to page 19 of the Estimates of Expenditure and Payments. There is an anticipated increase of about $240 000 in taxes, fees and fines. On what factors is that increase based?

**The Hon. K.T. Griffin:** I will take that on notice rather than take up the time of the Committee. We will provide the information.

**Mr ATKINSON:** You may also care to take this on notice. Can the Attorney-General explain the extraordinary variations recorded against the deficit for the department where last year's estimates of $136 000 blew out to over $4 million, coming back to an estimate for the coming financial year of about $490 000?

**The Hon. K.T. Griffin:** I probably should have the answer, but I do not. Again, I will take that on notice.

**Mr ATKINSON:** The figures for current outlays show a cut before inflation is taken into account. In broad terms, where is the cutting being done?

**The Hon. K.T. Griffin:** There is nothing mysterious about it. Again, I will take that on notice, because various functions within the agency are dealt with on an *ad hoc* basis, whether in relation to an outsourcing contract or for some other project where costs fluctuate.

**Mr ATKINSON:** Is there a set of guidelines or a protocol for refusal by Parliamentary Counsel to take further drafting instructions from Opposition members of Parliament, as happened recently with a complicated set of amendments which required several drafts?

**The Hon. K.T. Griffin:** I have certainly given no instruction and I do not know that there is any instruction. Parliamentary Counsel are very diligent. The problem is that some Government agencies, as well as members of Parliament, expect them to give policy advice and develop proposals which are not really within the area of responsibility of Parliamentary Counsel.

I know that one can expect them to say, 'Look, I don't think you can do this because of that,' but in terms of developing complicated schemes, it is always important to ensure that they have the proper instructions. I do not know the circumstances to which the honourable member refers, and I would probably not know them because Parliamentary Counsel does not discuss with me what the Opposition wants to do with Bills, and I would not presume to ask Parliamentary Counsel to tell me what the Opposition is doing. If I were to do that, outrage would be expressed, and quite properly so. If the honourable member feels comfortable in letting me know the particular instance to which he referred, I would be happy to raise it with Parliamentary Counsel, but I do not intend to do it unless he would be comfortable with my doing it.

**Mr ATKINSON:** Pursuing a matter I raised earlier about self-defence, this time under the heading 'Parliamentary Counsel', can the Attorney tell me whether people other than members of Parliament may request Parliamentary Counsel to prepare Bills?

**The Hon. K.T. Griffin:** Government officers can, and it happens frequently. The normal practice is for matters to progress through drafting to Cabinet approval of the Bill but there are occasions where an agency will talk directly with Parliamentary Counsel, perhaps before Cabinet has given its approval, to follow up the sorts of issues to which I referred earlier with self-defence. Sometimes you have to work through drafting before you can reach a conclusion about what might be a satisfactory or appropriate remedy to a particular difficulty. Yes, it does happen, and I would expect that, whilst members of the Opposition might instruct Parliamentary Counsel, that their own officers might speak to Parliamentary Counsel, if they do not, fine. However, I do not criticise them for that, because it may well be appropriate.

**Mr ATKINSON:** Would the Attorney be able to help the Committee with the identity of the person who requested the drafting of the Criminal Law Consolidation (Self-Defence) Amendment Bill.

**The Hon. K.T. Griffin:** I do not think it is appropriate, but it was a good try.

**Mr ATKINSON:** The Attorney may care to take these questions on notice, but they relate to support services. Who undertook the consultancies funded through the Attorney's department over the past year? Why were they carried out? How much did they cost, and what were the outcomes?

**The Hon. K.T. Griffin:** I have the information but it may be inappropriate to identify the outcomes. I do not make any secret of the fact that we did engage some consultants for various purposes. The best course might be to give consideration to the question and forward a reply in due course.

**Mr ATKINSON:** On page 160 of the Program Estimates there is reference to the source variations concerning EDS. Has EDS taken over responsibility for IT functions in the Attorney-General's Department? Is there a service agreement between the Attorney-General's Department and EDS and, if so, what are the details?

**The Hon. K.T. Griffin:** EDS has not taken over the IT functions of the department at this stage.

**Mr ATKINSON:** Are any EDS staff working in the offices of the Attorney-General's Department and, if so, how many and what is their role?

**The Hon. K.T. Griffin:** I am informed that there are none at this stage. I will ask Ms Kate Lennon to make an observation.

**Ms Lennon:** We are in the second wave of the EDS contract, so those details have not been finalised. We are discussing those issues with EDS. It is anticipated that a lot of our department will be out of the scoping.

**Mr ATKINSON:** How many waves are there with EDS?

**Ms Lennon:** Just two.

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

---

Attorney-General and Minister for Consumer Affairs—Other Payments, $19 406 000.

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

**Mr MEIER:** On page 163 of the Program Estimates under 'Specific targets/objectives' reference is made to the

need to provide information, education and training for staff, consumers and industry in preparation for the commencement of the uniform credit code. Given the recent decision to delay the commencement date of the code to 1 November 1996, will the Attorney advise of the work being done to ensure that the industry is ready on that date?

**The Hon. K.T. Griffin:** This has had a long and chequered career: it will now come into operation on 1 November 1996. It has had a number of start-up dates, but they have been deferred. The banking and finance industry was particularly concerned to extend the implementation date from 1 August to 1 November. I was reluctant to agree to that because it seemed to me that we had spent so much time getting everything ready that we ought to put it into operation as quickly as possible. But, finally, I yielded to the concerns of industry and agreed, along with other Ministers around Australia, that 1 November would be the start-up date.

In terms of the training processes, there will be a national education strategy to accompany the proclamation of the codes. That is being run from New South Wales, but it will have universal application around Australia. The Commissioners for Consumer Affairs around Australia have agreed on a national training strategy for all staff to be conducted before the proclamation of the code. Tenders were called for training providers, and the Consumer Credit Legal Centre of Victoria was successful. Federal funding is being provided to train financial counsellors. The Commissioner for Consumer Affairs in South Australia has written to all small retailers and small credit providers in this State to determine the level of their preparedness for the code. The larger credit providers, such as banks, have organised their own training; they are well prepared. There is to be a national advertising campaign to promote public awareness of the code, and that is still being developed. Within the Office of Business and Consumer Affairs there are proposals for training officers to deal with any of the issues that might arise under the Uniform Credit Code.

**Mr MEIER:** Referring generally to the Program Estimates, what have been the outcomes of the organisational development and customer service improvement functions in the Office of Consumer and Business Affairs?

**Additional Departmental Adviser:**

Mr Hamish Gilmore, Commissioner for Consumer and Business Affairs.

**The Hon. K.T. Griffin:** I have always been keen to ensure that there is a proper customer focus by all who are within my agencies—in fact, right across Government. The Office of Consumer and Business Affairs is probably more involved in dealing with customers—business and consumers—than other parts of my agencies, excluding the Ombudsman, the Police Complaints Authority and so on. So, customer service improvement is a focus that I have been keen to emphasise. Customer service improvement and organisation development were brought together in August 1994 as part of a customer and education services branch. Its focus is to provide ongoing work-based learning and development opportunities for staff in the office, aligned with customer service improvement initiatives and a significant change program within the whole office. There have been a number of achievements over the past 12 months, so it may be appropriate to ask the Commissioner to talk about those.

**Mr Gilmore:** As the Minister has indicated, the need to reorient the entire office and the way in which the office performed its functions was recognised, so some training courses were put in place to develop the staff's customer service abilities. We have also run various management type courses for our middle managers, and we have conducted surveys across the organisation to determine the training needs for staff. On two occasions those surveys have been run to determine whether we need to change direction on that training. Also, four staff have been sent through the Public Sector Management Development Course.

We have provided various publications for the public, including a consumer good practice guide, and various other publications have been put out during the course of the past 18 months to provide information to the public—both consumers and businesses—on the new role of the organisation and how they can relate with the organisation. We have also encouraged people to join the public sector management course that leads to the DETAFE para-legal certificate.

During the past 18 months that customer service improvement program has been monitored by a customer feedback system using a circular that goes out with all the letters we send out to people asking them to comment on services they have received. Naturally there are always some people who are not satisfied with the results they get from our office, because we can only conciliate and mediate problems; we cannot adjudicate, as can a court. But, by and large, the response we get from those surveys indicates quite clearly that the staff have got the message that we are there to serve customers and to help business.

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

**Mr MEIER:** My third question relates to what I would describe as the Nigerian and other scams. Recently, the media reported on the victim of an overseas scam. Can the Minister advise that action has been taken by the Office of Consumer and Business Affairs to warn consumers against these scams and to investigate them, and perhaps he can identify some of the other scams?

**The Hon. K.T. Griffin:** There are a number of these scams. Part of the difficulty is that you can never track down where the scams originate and who might be responsible for them. All you can do in those circumstances is to advise members of the public what not to do and give them some information about the actual operation of the scam. Ultimately, you cannot protect people against themselves. If they see a quick profit and try to take it, it is not for the Government to say, 'We will protect you from yourselves.'

The Nigerian scam came to the attention of the Office of Consumer and Business Affairs as well as the police and the general public. I understand that it originated in Nigeria, but it purported to come from a Nigerian state authority or corporation. One of the characteristics of many of these scams is the requirement to add one's name to a list and pass on information in other circumstances. In the Nigerian scam, there was a request to maintain absolute secrecy, because it was a highly classified transaction. It sounds a note of intrigue, and I suppose some people might be impressed by that. Many members of the public are not alert to the potential problems which might be created by participating. The Office of Consumer and Business Affairs liaised with the Fraud Task Force of the Police Department and basically gave warnings.

There are a few other schemes. There is the Edward L. Green scheme where you can make $200 000 in 90 days or less. You must order four separate reports at $20 per report.

Your name goes to the top of the list in the first position, and you send out 200 fliers in your name in the first position and wait for the orders to come in. Your name gradually moves down to position No. 4 and then off the list. There is the Joker 88 scheme, which is based in Germany. The cost to enter is $150. There is the Jane Nelson scheme, where a $10 loan is made to a person in the No. 1 position on the list. You then add your name to the list and send it out. There is a $10 loan scheme, which works on a similar basis to the Jane Nelson scheme. There is a self-help cooperation program, where $50 is sent to the bank account of the person listed in position No. 2. There is a mail order scheme where the cost to enter is $32. You send away for photocopied sheets of how to start up a similar mail order scheme from home, which involves stuffing envelopes. Then there is Pentagono, based in Italy, the cost of which is $150. They are all variations of the same scheme. There is also Lotto Master and Partner.

I had similar schemes drawn to my attention in relation to syndicated lotteries from overseas. There is no guarantee that the lottery tickets will ever be bought, even though the lotteries in which they claim they will participate are legitimate State owned lotteries in Europe. There is no guarantee that you will end up having the money you pay over to the syndicate actually invested in the lottery. In any event, the terms upon which some of these European lotteries operate prevent the purchase of tickets by people from overseas. So, there are a few of those which are all very interesting for those who might seek to make some quick money, but mostly the quick money is made by the person promoting the scheme.

**Mrs KOTZ:** As a supplementary question, I had last week a contact from a constituent who was very concerned on behalf of an elderly friend of hers who had reacted to a call from the self-proclaimed Monarch in Hutt River, Western Australia, who apparently was offering titles for a fee. For my constituent's benefit, I wonder whether you could say whether this is fraudulent or also a matter of one's taking one's responsibility.

**The Hon. K.T. Griffin:** Hutt River Province has been on the political landscape for a long time. It has never been recognised legally, but is always being promoted. I do not have any details of the scheme but we will take it on notice, and there may be some information in the office that could be provided to the honourable member so that she can then provide it to her constituent. My reaction to that and the advice I give to all people who might be tempted is 'buyer beware!' If you are promised quick returns, you can be sure that what you get for those quick returns will not be worth the paper it is written on.

**Mr ATKINSON:** Why must electrical contractors submit to the Commissioner of Consumer Affairs detailed personal financial information with a licence application to show that they have net assets of more than $5 000 when an insurance policy with a cover exceeding $5 000 might achieve the same object?

**The Hon. K.T. Griffin:** There has been at least one letter to the Editor about this. When the plumbers, gasfitters and electricians legislation was before the Parliament, we made it clear that this was a new scheme to deal with the regulation of those occupations as it was not ETSA's core business and, in any event, it was not appropriate for ETSA to continue to undertake the licensing of electrical work contractors and workers.

In the framing of the legislation, we looked at the situation where these contractors would carry on business. It was believed appropriate that we should provide at least some requirement to establish financial credentials, particularly where the contractor was in business—not so in relation to workers—and that level was thought to be appropriate. I am not sure that an insurance policy or guarantee is an appropriate alternative. I ask the Commissioner to add to my response.

**Mr Gilmore:** Clearly, one of the considerations in asking for that was to ensure that the contractor who agreed to perform a certain amount of work for a client has the financial capacity to undertake that work. If something were to go wrong during the course of a project, a contractor would need to be able to demonstrate a financial capacity to warrant the work they are doing. It is true, as you say, that perhaps indemnity insurance would have a similar sort of effect in terms of protecting the interests of consumers, demonstrating assets of some sort and a business capacity to deal with contracts.

An electrical contractor could enter into an agreement with a client to carry out $2 000 or $3 000 worth of work on a major housing-type project, or a bigger development could involve considerably more money. Having an asset base of some sort demonstrates a capacity to manage one's business affairs.

**Mr ATKINSON:** All members of Parliament have, in the past week, received a letter from the South Australian Retirement Villages Residents Association. The association asks that an employee of the Office of Consumer and Business Affairs be designated to handle all questions on retirement villages and that a register of retirement villages be established. The association further argues that the existing rules concerning relicensing of units and ongoing maintenance payments are unfair and should be investigated with a view to possible amendments. Attorney, would you care to respond to that letter?

**The Hon. K.T. Griffin:** I have not seen the letter but, whilst I will invite the Commissioner to make a further response in a moment, I advise the honourable member that there is an advisory committee, which comprises a range of organisations involved with retirement villages and residents. The residents association has always been in close consultation with the Office of Consumer and Business Affairs, and it does rely very heavily upon advice that comes from the OCBA. I have been somewhat concerned about the extent to which it relies upon the office.

There is no attempt to say that it should not get advice, but I do not believe that to have someone permanently on call to be a dedicated adviser to retirement village residents is an appropriate response for the office. Some of the retirement villages require substantial sums of money to be put to one side by residents, others not so much, but there comes a point at which one must say, 'It is inappropriate to provide such level of resources to answering questions that should probably be dealt with in a different way by the residents association itself.' We are working through that issue at the present time.

I am not aware of any difficulty with the amendments, but if there is a difficulty it is certainly something we can look at. We have attempted to put in place a legislative framework which provides protection for residents of retirement villages but more particularly which focuses upon information being available so that people can make some choices. The most recent series of amendments, I think in 1994, go a long way to building in a number of further protections, which are

necessary for the residents of units in those retirement villages.

The other point is that people who enter retirement villages must realise that they are not getting a freehold title or strata title. In a sense there is a licensing arrangement which is not as secure as a freehold title or strata title but nevertheless it provides other benefits, such as continuing care and opportunity for living in a community which you perhaps would not have with a strata title. There are pluses and minuses and they are not easy issues to resolve.

**Mr Gilmore:** We received that letter only in recent days and we have not yet responded to it. In relation to the first recommendation that a person be nominated as the registrar to deal with retirement village issues, in fact we have been trying to work the other way: we have been trying to familiarise more staff with retirement village issues. There is no doubt that retirement villages will become more common in the demographic distribution of the community and there no doubt that the residents will need more assistance with some of these matters than the general public.

The number of officers who are familiar with retirement village issues has increased from one to six and therefore six officers are competent to deal with the basic range of issues that most people in retirement villages raise. The notion of having a person as the registrar and the single point of contact appears, at first instance, to have merit but in the longer term it is important that a number of people are able to deal with retirement village issues to cover situations such as leave and sickness. It would not be a good situation to rely on one person to cover that type of work.

In relation to licensing, the main emphasis is in the provision of information that is comprehensible to the retirement villages. The major area of concern is to do with the financial side of retirement village management, and a committee has been established as a subcommittee of the Retirement Villages Advisory Committee specifically to look at accounting standards and a code of conduct for reporting on accounting practices in retirement villages. It seems that every time this subject is discussed there is another angle—whether concerning payroll tax or depreciation on plant and equipment.

We have prepared terms of reference for the accounting committee and we have asked the advisory committee to tell us whether they are the terms of reference on which it wishes the committee to concentrate. The committee's main focus will be to provide an agreed set of accounting documents to which all retirement villages can have access and which explains the financial position of the retirement village.

**Mr ATKINSON:** In relation to 'Tenancies' at page 165, how many applications have been received from neighbours, as distinct from landlords, to terminate a residential tenancy under the new section 90—if it is indeed proclaimed.

**Mr Gilmore:** It has been proclaimed and there have been applications under section 90. Although they have not been frequent they are, in fact, quite difficult for the tribunal to deal with. They have not always been necessarily for an order for termination.

*Mr Atkinson interjecting:*

**Mr Gilmore:** Section 90 concerns that relationship: it can be anyone other than the landlord or the tenant who complains. It could be a neighbour, someone who lives down the street or a passer-by. Section 90 has raised this difficulty for the tribunal because a different set of issues arises. The relationship between landlord and tenant has, in a sense, outer parameters with which the tribunal is familiar and the workings within those parameters are well established.

The relationships between neighbours and other people who might be affected by a tenancy position—and it could be someone several houses down the block who is complaining about noise or late night activity—have been time consuming and difficult to deal with. You then need to bring into account witnesses and it is a judgment as to how much noise and whether it is a reasonable complaint that is being brought. There have been a number of section 90s.

**The Hon. K.T. Griffin:** The real difficulty is that in some instances landlord and tenant do not want to acknowledge that there is a problem. If the tribunal has to get into the business of terminating the tenancy, even against the wishes of the landlord and tenant, it becomes a major problem. According to my figures, there have been five section 90 hearings where the action has been brought by an interested party in relation to tenants' conduct from 1 July 1995 to 30 May 1996.

**Mrs KOTZ:** My question is similar to the one asked by the member for Spence with regard to retirement villages. The Attorney may recall that at about this time last year I asked a series of questions concerning the treatment of older citizens at the hands of owners/managers of retirement villages. The answers given to the member for Spence covered a broad range, but can the Attorney advise whether any further future directions are being looked at for the Retirement Villages Advisory Committee?

**The Hon. K.T. Griffin:** I invite the Commissioner to deal with that issue.

**Mr Gilmore:** True, there is currently a review being conducted into the terms of reference of the advisory committee. As to expanding the terms of reference to cover the handling of people in retirement villages, I would make a distinction between those people who are fit and well and living in a retirement village under their own volition and steam and those who are in a situation where they have domiciliary care. Those functions fall under the auspices of the Health Commission and a different set of circumstances relate to retirement villages and people with assistance. As to the advisory committee's role now, at present the committee has 15 members and was originally constituted to help advise the Minister on amendments to the Retirement Villages Act.

In a sense that role has been fulfilled; however, it still continues to exist as an advisory body to the Minister. The question arose in the last six months about what role the committee should continue to fulfil as many of the agenda items have tended to come down to individual issues at particular retirement villages, rather than being policy issues of a system nature. The committee as a whole agreed it was not an ideal forum to deal with nuts and bolts issues at an individual village level and that we should have a rethink about what the committee is doing and what its role should be. All members have been invited to comment on the committee's role, membership and what its future role should be. The Minister has endorsed that approach of canvassing existing members' views on what is going on. We have received responses and the paper has been prepared but not presented to the Minister, setting out options for the ongoing role of the advisory committee. This is definitely a useful forum to continue, but perhaps it needs to be more focused on the policy issues at the top end of the policy issues rather than the day-to-day running of individual villages.

**Mrs KOTZ:** Can the Minister advise of provision of training courses to country areas via the video conferencing?

**The Hon. K.T. Griffin:** Two video conferencing consumer education training courses have been held in the State. October and November 1995 was the latest and that involved 81 South Australians from three country cities—Port Lincoln, Port Pirie and Berri—and participants from the Adelaide metropolitan area. I presented certificates in conjunction with the mayors of the three cities, which were linked. We did that by video with the mayors presenting certificates and I spoke to the assembled group in different locations. All of the classes, lectures and discussions have been conducted live via video conference link from TAFE at Light Square in Adelaide to TAFE colleges in the regional centres. The courses are run over five consecutive Mondays. Those attending came from a wide range of community and ethnic organisations, Government departments, Aboriginal health centres, Housing Trust, Riverland Rural Counselling Service, English Language and Literacy Centre and Correctional Services.

All were volunteers when they were participating but they had a keen interest in learning more about consumer issues and consumer rights. It is fair to say that this State has been in the forefront of community education programs for consumers and the video conferencing facilities obviously make it easier for country people to have access to some high quality information as well as high quality speakers. Some top quality presentations have been organised through the office. They are the sorts of programs which we should be encouraging. The other aspect is they deal with people in a community situation, that is, the people who take these courses, who are leaders in their own right within these communities and others within their community look to them for guidance and, if they have some information about consumer issues, consumer rights through such courses as I have described, it makes it much easier to provide that advice as one of the leaders of that community.

**Mrs KOTZ:** I acknowledge the diversity of the Attorney's portfolio and compliment him on the many different budget innovations that we have seen throughout this Estimates Committee. Page 163 of the Program Estimates states that one of the objectives is to promote and achieve fair trading practices by increasing traders and consumers' awareness of their rights and obligations. We would all agree that one of the best groups to focus on this particular aspect is young people. I understand OCBA has contributed $45 000 to the National Primary Schools Consumer Education Project. Can the Minister outline the outcomes of this project?

**The Hon. K.T. Griffin:** It was established back in May 1992, so regrettably I cannot take all the commendation for its being established but I have certainly encouraged its continuation. It arose out of a meeting of consumer education officers. I have launched a few productions from this National Primary School Consumer Education Project. So far the working party has produced three resources under the 'Consumer Power' label—not to be mistaken with Port Power—for seven to 10 year olds—a teachers' handbook, a video and a snakes and ladders board game.

Each is structured to cover an understanding of needs and wants—advertising, budgeting, shopping and buying—and consumer rights and responsibilities. The products, which are generally described as Consumer Power 1, recently received an award of excellence from the New South Wales Children's Week Association. The current project is to produce a state-of-the-art interactive CD-ROM resource for nine to 12 year old students called Consumer Power 2. That is the project to which the office in South Australia has contributed $45 000. It is a resource that has been developed by Show-ADS, based in Adelaide, so we are doing the work here.

It is a multi-media CD-ROM suitable for primary school computers and based around a journey into a nine-level shopping centre containing approximately 40 shops in which activities, tasks and experiences emerge. Consumer affairs information is displayed on the counters and walls of many shops and in the library. It is structured to conduct activities for varying learning styles and is not just a page turning exercise. It has been tested with a group of students from the relevant age group and from a range of socio-economic and ethnic backgrounds. It is nearing completion. It is planned to release it in about July or August, and the objective is to distribute about 10 500 copies to every primary school in Australia. The good thing about it is that a lot of the work is being done in Adelaide.

**Mr ATKINSON:** I refer to the tenancies title. When will a code of conduct for boarders and lodgers be ready, and why has it taken so long to prepare?

**The Hon. K.T. Griffin:** It was put up for consultation but, when we enacted the Residential Tenancies Act and that part which deals with boarders and lodgers, we provided for the adoption of a code of conduct but provided that a breach of the code would incur a penalty—something like $200, I think, created a statutory offence. When we came to look at its implementation a matter of concern arose that, where normal tenants under the Residential Tenancies Act were in breach, they would not be the subject of a statutory offence or penalty compared with those who were boarders or lodgers in a much less secure environment and would be dealt with more harshly for a breach of the code of practice that applied to them.

I have only this week given consideration to the way in which we should deal with that, because I am not keen to promulgate a code of practice which, if it were breached by a tenant—maybe for non-payment of rent—might immediately invoke a prosecution. At the moment I am contemplating one or two minor amendments to that part of the Act which deals with boarders and lodgers to ensure that the code of practice can apply fairly without the harsh consequences to which I have referred.

**Mr ATKINSON:** What arrangements have been made to provide for the increased accommodation required by the Residential Tenancies Tribunal if it is to cope with adjudicating Housing Trust tenancies?

**The Hon. K.T. Griffin:** The proposal is to move the Residential Tenancies Tribunal to other premises. An assessment has been made that the premises to which it moves will be more than adequate to accommodate both the current workload and any projected workload, plus the Housing Trust. It must be remembered that many of the Housing Trust matters will not require hearings.

For example, evictions are dealt with in the Supreme Court at the moment, in the main, without the attendance of parties because, although served, the tenants do not turn up. There is considerable paperwork which obviously does not require a lot of accommodation to fulfil. In terms of the hearings, the estimate is that there will be sufficient accommodation to handle those matters which actually go to a hearing.

**Mr Gilmore:** At the moment the tribunal is accommodated at 50 Grenfell Street where all of OCBA was previously accommodated. The tribunal was left in its existing accom-

modation. However, it had already reached the point where a temporarily rigged-up hearing room using screens and partitions, rather than a properly built hearing room, was being used. So, they were already in a position of needing to consider their accommodation. In the process of consolidating the business names function into OCBA, we vacated a section of accommodation, on which we have a long-term lease, at 100 Pirie Street. We still have four or five officers located there, but by locating them also with us in Chesser House we can totally vacate that area at 100 Pirie Street where we have an existing lease by taking a little more space on the floor above that at 100 Pirie Street. We can then locate the tribunal in accommodation that will be large enough to take over the workload, including the Housing Trust hearings when they come on board.

**Mr ATKINSON:** What is the average amount derived from interest on bond moneys then paid to tenants entitled to refund of their bond?

**The Hon. K.T. Griffin:** We are not paying anything to tenants at the moment. There is provision in the Act for that, but we have not reached the point of awarding any interest in relation to bond moneys. Currently, the bond moneys are used for the purpose of administration of the Act, which has been the position since 1978 when the first Act was enacted. Although we provided in the Act for interest on bond moneys, we are not in a position to pay interest on bond moneys. A lot of streamlining work is still taking place in relation to payout of bond moneys.

**Mr MEIER:** I refer to the health and fitness industry. Concern has been expressed from time to time following the closure of health clubs and the difficulties facing members who have paid memberships in advance. What action has been taken to address this issue?

**The Hon. K.T. Griffin:** A code of practice was developed which prohibited fitness centres and gymnasia from offering memberships of more than 12 months and which required that membership agreements, including all the terms of the contract, be in writing. The code did have a sunset clause. On 21 March this year regulations were gazetted that deleted the sunset clause. So, those regulations are now a continuing set of regulations applying to the health and fitness industry. There had been a period of stability within the industry, but over the past two years there have been some problems with one or two centres, one of which was the Woodlands centre. Existing contracts were, of course, honoured after the centre was sold. But, because the industry was generally supportive of the code of practice and because it did act as a protection for consumers, the Government took the view that we should remove the sunset clause and allow the regulations and the code of practice to continue indefinitely.

**Mr MEIER:** What action is being taken to recover outstanding payments owed to the Second-Hand Motor Vehicle Compensation Fund and the Agents Indemnity Fund?

**The Hon. K.T. Griffin:** The Committee may be aware that the Agents Indemnity Fund, which relates to land agents and brokers, had to suffer significant pay-outs because of brokers like Hodby, Schiller and others. Claims in excess of $11 million have been paid out of the Agents Indemnity Fund between 1990-91 and 1995-96. In some cases, recovery action was taken against the principals involved, but some of them went bankrupt or into liquidation. Although some recoveries have been made, in other cases that has not been so.

The Second-Hand Motor Vehicle Compensation Fund in the period 1990-91 to 1995-96 paid out about $873 000. I think that some of that related to Medindie Car Sales. I have been concerned, as has the Commissioner and the department, about the extent to which a number of these outstandings have not been collected or written off if there has been no prospect of recovery. Therefore, the Commissioner has recently approved a comprehensive debt recovery strategy in relation to the Second-Hand Motor Vehicle Compensation Fund and the Agents Indemnity Fund. I will ask the Commissioner to indicate the way in which that will operate.

**Mr Gilmore:** As the Attorney-General has indicated, many of these debts have accumulated over an extensive period of time. We have not had a proper register of debts in order to keep track of who owes what and orders of the tribunal that were made several years ago involving fines or penalties which have not been recovered. Some of the people who could not repay those debts in the past may now be able to do so. We need to re-establish a proper register for all those debts. We have assigned a project officer to do this work over the next couple of months. We will require that project officer to examine the feasibility of recovering that money by looking at the individuals concerned and, if necessary, following the proper legal processes to recover the debt. Then, having identified areas where the debt cannot be recovered because the person is no longer accessible or it is clear that the debt will never be recovered because he is still bankrupt or something like that, we will seek approval, via the CEO of the department, from the Auditor-General to write off the debt.

**Mr ATKINSON:** Will members of the Residential Tenancies Tribunal not reappointed in 1994 by the Attorney-General owing to streamlining be given first priority when the Attorney considers the appointment of further tribunal members to cope with the increased demand referred to at the bottom of page 165 of the Program Estimates and, if not, why not?

**The Hon. K.T. Griffin:** They will not necessarily be given priority. I have taken the view that it is important to get some new blood into the tribunal. A number of appointments (predominantly women) have been made to the tribunal over the past few months. There is still a need to make some appointments in several rural areas and they are under consideration. I have taken the view that the Presiding Member of the Residential Tenancies Tribunal should be involved in the selection process, and she has interviewed those who have indicated an interest in being involved. At the moment, the Presiding Member tells me that in relation to the metropolitan area—even to deal with Housing Trust issues—the number of members of the tribunal is adequate. However, in relation to several of the country areas, an additional appointment or two needs to be made.

**Mr ATKINSON:** What is the basis for the estimate that 60 retail shop lease disputes might be heard in the coming financial year?

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

**Mr Gilmore:** We already provide a point of contact for advice on the retail shop leases area. I can only presume that the manager of this area has made an estimate of those number of issues that would come to us on the experience that we have had to date with giving advice to either tenants or landlords in retail shop disputes. Whilst we have not been in the position to arbitrate them to date, that will be addressed in the not too distant future.

**The Hon. K.T. Griffin:** We are putting in place a mediation process. The honourable member would be aware

of that from the joint committee. The object is to put in place a structure which will enable some initial advice to be given by the Office of Consumer and Business Affairs but that, ultimately, if mediation is requested for the parties—landlord and tenant—to pick that up through the auspices of the Office of Business and Consumer Affairs, which, in a sense, will exercise an introduction and a management role rather than taking any further role in such a mediation if it occurs.

**Additional Departmental Adviser**

Ms L. Matthews, Commissioner for Equal Opportunity.

**Mr ATKINSON:** What was the cost of convening the reference committee appointed to review the review of our equal opportunity laws conducted by Brian Martin QC in 1994?

**The Hon. K.T. Griffin:** Brian Martin, when he presented his report—and that is on the public record—indicated there were a number of areas which either he had not had an opportunity to properly research or which he thought ought to be subject of further consultation. That was the reason for establishing the reference group. The reference group comprised a member from my legal office's staff and other officers within the agency, plus several persons from the private sector. No funds were paid to those who contributed from the private sector. I was able to persuade them that as an act of service to the community they should do it free. The only cost was taking them out to dinner one night to show them that the Government did appreciate all their hard work.

I have a slight correction: Ms Margaret Heylen was on long service leave at the time she was involved. The Chief Executive Officer informs me that some small payments were made to her, particularly because some of the meetings were out of normal hours. But the amount is minuscule for the quantity of work they undertook.

**Mr ATKINSON:** At the foot of page 155 of the Program Estimates the following comment is made:

> If the Martin report recommendations or some of them are adopted, then there will be a need for increased funding.

Are we to presume from the failure to budget for implementation of the recommendations by Mr Martin QC that you disagree with the conclusions reached by Mr Martin and, if so, what does that mean for changing the State's equal opportunity laws?

**The Hon. K.T. Griffin:** I do not think anyone should read into the budget that there will or will not be changes. The assessment was made that for implementation of some of the recommendations I think the cost was about $175 000. Because as a Government we had not made a decision on what would be done finally, it was just too vague to put in as a supposition to the budget that this would be done, therefore what we have arranged is that funding issues will be addressed once the final decisions have been taken about any amendments proposed to the legislation. As the honourable member knows, when a Bill comes before Parliament it still has to run the gauntlet of both Houses which, in itself, may mean, if there are amendments, additional or lesser funding requirements as the case may be.

**Mr ATKINSON:** Did the Equal Opportunity Commissioner or the Crown Solicitor provide advice to the Government or anyone else in respect of any aspect of the case or the substantial pay-out to the woman who had been employed in the member for Colton's electorate office?

**Mr Kelly:** The Crown Solicitor (Mike Walter) provided advice to the Commissioner for Public Employment and to the Chief Executive Officer of the Department of Industrial Affairs in relation to the matter.

**Mr ATKINSON:** In relation to the Program Estimates at page 155, why is an increase in the litigious work of the Equal Opportunity Office anticipated?

**Ms Matthews:** The reason for that is that more matters are now being referred to the Equal Opportunity Tribunal. Another factor is the preparation that is required to put cases before the tribunal.

**Mr ATKINSON:** As a supplementary question, why are more cases going before the tribunal?

**Ms Matthews:** I think it is because the procedures in the commission now recognise that some cases are not responsive to conciliation, which has been more the practice in the past, and that in fact it is better to have a determination by the tribunal if it appears that there is no point in pursuing conciliation.

**Mr ATKINSON:** It is better for whom? Is this a change of policy by the commission to be perhaps less patient with conciliation?

**The Hon. K.T. Griffin:** The Commissioner exercises an independent role with respect to dealing with complaints. I detect from the statistics which keep coming through and some of the backlog of complaints that conciliation is often spread over many months and, in some cases, years. That is just untenable in my view, in trying to resolve issues for either or both parties. If matters are just allowed to linger or fester or in some other way become incapable of being settled through conciliation, the experience is that they will be much more bitterly fought in the Equal Opportunity Tribunal.

I have always taken the view that the quicker you can settle matters, whether it is in equal opportunity or consumer affairs, the better it is for everybody. It takes resources for individuals, it is traumatic for individuals and those who work in companies; and it is time consuming and resource intensive if things never get resolved. I have no personal difficulty with the way in which the commission resolves that, if a matter appears to be incapable of resolution, it goes off to a body which can make the decision. Ultimately, that is what the tribunal is. Another point to make is that very few cases had previously been referred to the tribunal—probably about one a year—but I think the way in which the commission is dealing with this reflects the fact that there has been a backlog of complaints. Many of them have been old complaints which need to be resolved.

**Mr MEIER:** I refer to page 155 of the Program Estimates, where one of the specific targets in 1995-96 is the development of an interactive computer program in conjunction with the School of the Future for sale and distribution across South Australia. Has this program been finalised and, if so, how has it been received by the community?

**The Hon. K.T. Griffin:** It was completed and launched this year, with a total budget of $8 000. It was developed specifically for the senior secondary and tertiary education sector. It is part of the program which the commission has developed to promote information about the Equal Opportunity Act and its grounds and areas in a way that is acces-sible, particularly to students. It has been marketed State-wide. My information is that it is anticipated that costs will be recouped and revenue generated within several months and that the responses have been quite enthusiastic.

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

**ADJOURNMENT**

At 8.30 p.m. the Committee adjourned until Tuesday 25 June at 11 a.m.