HOUSE OF ASSEMBLY

Tuesday 19 June 2001

ESTIMATES COMMITTEE B

Chairman:
The Hon. G.A. Ingerson

Members:
Mr M.J. Atkinson
Mr K. Hanna
Mr R.J. McEwen
Mr E.J. Meier
Mr G. Scalzi
Mr J.J. Snelling

The committee met at 11 a.m.

Department of Justice, $557 297 000
Administered Items for Attorney-General's Department, $43 522 000
Administered Items for State Electoral Office, $300 000

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

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

Departmental Advisers:

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

Mr J. Birch, Deputy Chief Executive Officer.

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

Mr J. Hayward, Principal Financial Consultant.

Mr W. Cossey, State Courts Administrator.

Mr T. O'Rourke, Manager, Resources Management.

Mr M. Church, Manager, Finance.

The CHAIRMAN: Attorney, the Estimates hearings, I understand, adopt a relatively informal procedure. As such, there is no need for anyone to stand to ask a question, or to answer questions. The committee will determine the approximate time for consideration of the proposed payments, to facilitate the changeover of departmental officers. I understand that a timetable has been agreed between the parties. Changes to the composition of the committee will be notified to the committee 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 to the Clerk of the House of Assembly no later than Friday 5 July.

I propose to allow the lead speaker of the opposition and the minister to make opening statements, I hope not much longer than about 10 minutes each. There will be a flexible approach in giving the call to ask questions, based on three questions per member, alternating sides. Members may also be allowed to ask a brief supplementary question to conclude a line of questioning, but it is important to note that supplementary questions will be an exception rather than the rule.

Subject to the convenience of the committee, a member who is outside the committee and who desires to ask a question will be permitted to do so once the line of questioning on an item has been exhausted by the committee. An indication to the Chair in advance would be helpful.

Questions must be based on the lines of expenditure as revealed in the Estimates Statement. Reference may be made to other documents, including the Portfolio Statements. 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 House of Assembly *Notice Paper*.

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 the advisers for 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 will invite the minister to make any formal statement he may wish to make, but before doing so I advise the committee also that I understand than an arrangement has been entered into in relation to omnibus questions, in that they be read into the *Hansard*, and that, at any time, the minister may answer those omnibus questions if he so chooses.

The Hon. K.T. GRIFFIN: As is usual in relation to the Courts Administration Authority I think it is important merely to point out that, whilst the Courts Administration Authority for the purposes of administration and administrative support comes under the umbrella of the justice portfolio, the Courts Administration Authority is an independent statutory authority. It cannot, by virtue of the operation of the statute and the provisions in the statute, be directed by executive government. But I should say that under the umbrella of the justice portfolio the relationship between the Courts Administration Authority and the judicial officers and the executive arm of government is a cordial one and a cooperative one.

As you have indicated already, Mr Chairman, the questions will be to me, but I will, as I have usually done, invite the Hon. the Chief Justice or the State Courts Administrator or the CEO of Justice to make a contribution if it is appropriate to do so. I do not intend to make any opening statement. I am quite comfortable with opening up the matter for questions immediately.

The CHAIRMAN: The member for Spence?

Mr ATKINSON: I have no opening statement, sir.

The CHAIRMAN: I declare the proposed payments open for examination. I refer members to page 14 of the Estimates Statement and to Volume 1, Part 5 of the Portfolio Statements.

Mr ATKINSON: In relation to all departments and agencies for which you have cabinet responsibility, including relevant junior ministers, can you list all the consultancies let during 2000-2001, indicating to whom the consultancy was awarded, whether tenders or expressions of interest were called for each consultancy and, if not, why not, and the terms of reference and cost of each consultancy?

The Hon. K.T. GRIFFIN: In relation to the Courts Administration Authority, I will invite Mr Cossey, State Courts Administrator, to respond. In relation to Attorney-General's, I will give that information in a moment. There is information in relation to all the other portfolios, but we will see how far we need to go to satisfy the honourable member's question.

Mr COSSEY: Ten consultancies were issued by the Courts Administration Authority for the year 2000-01. There were two relating to implementation of the GST: one went to DMr Consulting for a systems analysis regarding changes to systems at a cost of $48 081. No tender was called for that work because that company was already contracted to the organisation for the maintenance of its computer systems. There was a project management consultancy for GST implementation to McLachlan Hodge Mitchell worth $10 387. That consultant was on the approved GST tender list issued by the Department of Treasury and Finance. Agencies were authorised to select a provider from that list.

There are three general consultancies in the information technology area: one to Deloittes for investigating the potential for replacement of the courts case management systems worth $50 000 (tenders were called); a second one to Price Waterhouse for a review of the security of the courts and JIS wide area networks worth $11 303 (tenders were called); and a very small consultancy to Aspect Computing worth $1 440 to advise on the use of the authority's website. That was not subject to tender because of the low price.

In the area of penalty management, there were two consultancies: one to B.W. Johns for a resource review for $15 840 (not subject to tender)—Mr Johns had been involved in the fines enforcement implementation and was therefore in a perfect position to provide that advice; and there was a systems audit of the new fines management system conducted by KPMG for $10 936, and that was subject to tender.

There were three operational consultancies, one of which was to review the data quality collected by the courts to a company called Clear Thinking Express worth $44 288. This consultancy was not subject to tender—the company had worked with the authority previously in that area. There was a consultancy to 4DM for data modelling which looked at the way in which courts use their resources at a cost of $44 200 (not subject to tender). Similarly, that company had worked with us before. The third consultancy was to the Department of Administrative and Information Services for a review of staff classifications for $7 238. Again, because it was an internal consultancy within government it was not subject to tender. Consultancies for the authority totalled $243 713 for the year, and that includes estimated payments to 30 June 2001.

The Hon. K.T. GRIFFIN: In relation to the State Electoral Office, a property consultant (G. Coff) was engaged at a cost of $1 195 to assist in interior renovation work. No tender was called as the work was carried out for several specific jobs. I think that is all in relation to the State Electoral Office.

It must be recognised that, within the justice portfolio, frequently the Attorney-General's Department has been a major focal point for addressing issues of consultancies and other whole-of-portfolio functions. That has been the best sort of clearing house and coordinating place for that sort of activity. There were 46 consultancies below $10 000, and the cost to 11 May was $175 148.30. In the range between $10 000 and $50 000, there were 24 (to 11 May)—a total of $506 017.59. Above $50 000, there were eight, totalling $1 703 175.19. There is a long list of these which I am happy to give. Does the honourable member want the details of the 46 minor consultancies?

Mr ATKINSON: Yes.

The Hon. K.T. GRIFFIN: I will take that part of the question on notice. The following consultancies were between $10 000 and $50 000: Arthur Andersen—report and risk assessment analysis of the prisoner movement and in-court management contract, $25 000; Arthur Andersen—advice on a whole-of-government pager contract, $15 000.

Mr ATKINSON: Will you indicate whether tenders were let for those?

The Hon. K.T. GRIFFIN: I will ask the Chief Executive Officer of Justice to make an observation about that in a moment, because I think most of those which are between $10 000 and $50 000 (apart from one or two which I will ask the CEO to identify) were the subject of tenders. Australian Business SA—to create and implement a strategic plan relating to the allocation of emergency services levy funds for Surf Lifesaving, $11 656.68; Broadleaf Capital International (Emergency Services)—advice and assistance to computer aided dispatch and call centres for emergency dispatch, $38 624.31; Building Management (DAIS)—levels 3, 5 and 6, 45 Pirie Street fit-out, $44 171.

C3Plus Pty Ltd (Emergency Services)—technical advice on AMS and CAD approval process, $23 674.49; J.A. Carr—conduct a review into aspects of the operation of the Residential Tenancies Tribunal and the Tenancies Branch of the Office of Consumer and Business Affairs, $15 040; Centre for Economic Studies—impact of the ESL on insurance premiums, $20 377; Donovan & Associates—researching various materials, writing, indexing and editing various reports, $39 731.25—

Mr Atkinson interjecting:

The Hon. K.T. GRIFFIN: I will take that question on notice and obtain the details. Empower Justice Services—design of training package on crime prevention through environmental design, $10 250; Ferrier Hodgson (Emergency Services)—providing advice regarding liquidation of Lowes Industries (North Island) in New Zealand, $45 052.99; GapGemini Ernst & Young—to provide a business case regarding the feasibility of implementing a shared services payroll, $15 000; D.W. Huxley—assessment of Crown Solicitor's Office debt management and other financial management and recommendations for improvement, $10 200.

Jill Gael & Associates—staff triannual planning for Crime Prevention Unit, $11 100; Jo McDonald Cultural Heritage Pty Ltd—provision of report in response to applicant's archaeological report in native title claim, $20 619; B.W. Johns—to coordinate the marketing campaign for prohibited weapons and dangerous articles, $26 560; KPMG Consulting—developed a user requirements specification, developed an evaluation methodology and scoring template used in the assessment of the current database systems, evaluated current systems against the user requirement specification, developed a final report including the user requirement specification, process and key findings, $34 500; Maloney field Services

(Emergency Services)—survey of fixed assets, land and buildings, $10 300.

Alison Miller—design of a training package on crime prevention through environmental design, $10 250; Morgan Disney & Associates—review of violence intervention programs, $22 000; Price Waterhouse Coopers—initiator of an ETA transactions audit and assistance with preparing a business case for the establishment of a provider data warehouse, $13 500; Real Estate Management—lease negotiation for levels 3, 5 and 6 at 45 Pirie Street for the Attorney-General's Department, $20 333; Spectrum—preparation of a report on strategic capital and asset planning and review of the draft report, $10 077.27; Steven Taylor & Associates—development of the integrated justice information system roadmap, $13 000.

Consultancies above $50 000: building management, DAIS, so that is an internal government consulting project for the South Australia Police relocation project, and that is to move police from the current Angas Street building to other locations within the CBD to permit the demolition of that 1 Angas Street building in preparation for the new commonwealth courts building. We have committed to give that vacant site and the old Housing Trust building by 31 December this year and, as far as I am aware, that is on target. So that consultancy relates specifically to that very large project which, I think, involves something like about $40 million all up, not in consultancies but in construction and other work. Leo Burnett—design and implementation services for prohibited weapons and dangerous articles legislation, $119 548.64; Gibson Quai Pty Ltd—technical support for AMS project (Emergency Services), $91 143.55.

Government Information and Commercial Services—primary consultants for police relocation from 1 Angas Street (SAPOL), $101 056; IBM Global Services Australia—preparation and presentations to JPSD and BCM re the integrated justice information system project and the development of a business case, $54 179; Lesley Johns—media consulting services to indigenous land use agreement negotiating table, $58 880, and that is part of the very extensive negotiations between government, Aboriginal Legal Rights Movement and native title claimants in relation to an alternative to going to court. Price Waterhouse Coopers—review of the corporate finance functions of ESAU (Emergency Services), $97 167; and Real Estate Management, which is an in-house government agency and part of DAIS, I think—primary consultants for police relocation, $471 901.

In relation to those, I was going to ask the CEO to make an observation as to whether or not they were all tendered out but she informs me that, because we do not have that information here, we will take the question on notice.

In relation to all the other parts of the portfolio, the information is as follows. For the CFS: Dave Keddie—telecommunications advice, $26 873.59; Global Fire—fire appliance design and safety, $19 849.30; Total Fire and Safety—vehicle servicing, $1 080.

For correctional services, I will list the information under the headings: consultant's name; tenders called; no tenders called and, if not, why not; reason for the consultancy; cost. Fair Go For All, tenders called yes, male training consultancy with relevant expertise, $8 355; Brook Friedman Consultancy, tenders called yes, professional development, $5 130; McPhee Andrewartha, tenders called yes, professional development, $7 913; B BO T Pty Ltd, tenders called no, specialist information was required for professional advice, $48; Occupational Services of Australia, tenders called yes, review of psychiatric services (although it might be psychological services and I will check that), $14 500; Enterprise Development Network, tenders not called because of selective tender based on company's experience and knowledge in the department's strategic planning process, business unit planning session, $4 270.

Myers-Holum International, tenders called yes, masterpiece implementation, $5 280; Attorney-General's Department, tenders not called because it was government and internal—it was an e-commerce project, so that was an internal arrangement where we show the cost to the particular agency against, in this case, the Attorney-General's Department—$16 000; Stratagems Pty Ltd, tenders not called because it was low value, continuous improvement, $1 292; Beth Flenley, tenders not called because she is a qualified teacher, writing research pre-release manuals, interviews, meetings, $13 300.

For the Emergency Services Administrative Unit and State Emergency Service, the information is as follows: Price Waterhouse Coopers—to review corporate finance functions of ESAU and review and analysis of processes, resources structures and systems, $294 305, and that was let by the Attorney-General's Department; GG Betros & Associates—capital works reconciliation and systems review, with a view to implementation of improved capital systems, $560 832, and let by the Attorney-General's Department; McLachlan Hodge Mitchell—GST implementation costs, $121 600, Treasury GST team appointed; APS Management Services—capital works and procurement guidelines, $26 348, and three quotes were obtained for that.

Mr ATKINSON: I do not suppose there is any chance of your putting any of this on notice?

The Hon. K.T. GRIFFIN: Let me finish this one. Consultant: Ask Jan—library review, $13 500, which does not appear to have been tendered; Formal Solutions—technical writing, $25 181, Treasury GST team appointed; Myers-Holum—Seagate and Masterpiece implementation, $11 460; Paul Raymond & Associates—harassment workshops and investigations, $3 907; Enterprise Development Network—HR branch planning, $3 450; Woods Bagehot—design work CAPEX, $56 117, and that was a DAIS tender; Bestec—design and documentation, $2 500, and we will check other information there.

The question was asked: we had the information, and that has been provided. There is additional information in relation to the Metropolitan Fire Service and the ambulance service. In light of the honourable member's request, and in light of the time it has already taken to put that other information in, I am comfortable with giving an undertaking that that answer will be provided in due course.

Mr ATKINSON: What are the amounts provisioned for consultancies in the portfolio for years 2001-2, 2002-3, 2003-4 and 2004-5?

The Hon. K.T. GRIFFIN: We will take that question on notice.

Mr ATKINSON: I have received complaints over the past four years of there being long delays on hold when people ring the Adelaide Magistrates Court. The Attorney has previously acknowledged that there is a difficulty and said that changes were under consideration. What has the government done to reduce delays on the telephone at the Adelaide Magistrates Court?

The Hon. K.T. GRIFFIN: I will ask the State Courts Administrator, Mr Cossey, to respond.

Mr COSSEY: Certainly, the call centre at the Adelaide Magistrates Court has been a bit of a problem for us. There are several reasons for that. The first is that the workload that that call centre experiences is quite variable from day to day and, secondly, it is quite variable throughout the day, which makes staffing of the call centre quite difficult. Like all call centres, it experiences some turnover, which means that you lose one or two people. I think the establishment figure for the call centre is six: if you lose one or two people, you have lost 25 to 33 per cent of your staffing.

We are looking at this matter at the moment with two objectives in mind. First, to see whether we can amalgamate it in some form with the call centre at Port Adelaide that deals with fines enforcement, because we have not been experiencing the same sorts of problems with that call centre, partly because the number of staff there is larger and partly because we seem to be able to have a more regulated flow of calls through that call centre. The Magistrates Court call centre seems to find itself taking a lot of calls, particularly late in the day, from people wanting to know the outcome of criminal matters listed that day. Although the call centre staff have access to our computer systems, if those computer systems have not been upgraded during the day, the question is referred to the Registry. So, we are looking at that matter.

We are also having a very good look to see whether we need a quite deliberate overflow strategy so that, if we reach a point where calls are banking up, they can be taken by a commercial provider, and at least then people's calls are returned when there is more time during the day. They are the things that are currently under way, and I expect a report on those matters on my desk within the next month.

Mr SCALZI: I refer to Output Class 2, Legal Government Services, at page 5.9. One of the highlights for the 2000-01 budget is the construction of the new Christies Beach Magistrates Court. Will the Attorney-General advise on the current state of the redevelopment?

The Hon. K.T. GRIFFIN: I will in a moment invite the Chief Justice to make an observation about it. The Christies Beach court redevelopment is a major redevelopment for the courts as well as for the southern region. It will replace quite outmoded facilities there. A number of temporary buildings are quite unsatisfactory for the conduct of a very busy court. It is one of the busier Magistrates Courts in the state and, in those circumstances, it was an appropriate court to redevelop quite substantially.

The redevelopment is very much on time. It was commenced in July last year and, after a shakedown period, the court is expected to be opened in July this year. It will have some quite significantly improved facilities for all those who use the courts, including the Victims of Crime Service, Correctional Services, the Legal Services Commission and duty solicitors. The Youth Court will be self-contained. It will have its own reception, family conferencing room and amenities. It will have separate access—and that is important, to try to keep young offenders segregated from the mainstream court. Interestingly, in addition to the facilities that I have identified, there will be amenities such as a parent's room, which has not previously been a feature of our court developments but which is now being provided in a number of other courts facilities. I invite the Chief Justice, if he wishes to do so, to make any further comment on the court.

The Hon. the CHIEF JUSTICE: I think the Attorney has really said it all. The previous court was unsatisfactory, in every respect, for the public, for our staff and for the judiciary. As the Attorney has indicated, the new court, I think, will remedy those problems. It is due to be opened on 10 or 11 July, I believe.

Mr SCALZI: Sir, I have a supplementary question (and I am on the Public Works Committee, and I know that I should be aware of this). Are there separate waiting rooms for prosecution and defence witnesses?

The Hon. K.T. GRIFFIN: Policy now in any development is to have a facility which will keep separate from defendants those who are victims and prosecution witnesses—particularly victims. My recollection is that this court will not be any different from the other newer courts that we have been building. It will have separate facilities for victims.

Mr ATKINSON: What about civil cases?

The Hon. K.T. GRIFFIN: The major area of concern has always been the criminal jurisdiction, where you have victims of crime coming face to face with defendants before the hearing. That has been the primary focus. We do not have, within the policy, as I recollect it (but we will check this), a provision to provide separate facilities for defendants and plaintiffs in civil cases. I think that would require some quite extensive additions to premises. We will take that question on notice and pursue it, but I am fairly confident that the answer I have given is correct.

Mr SCALZI: I refer generally to the budget papers. Can the Attorney advise of recent developments in sentencing?

The Hon. K.T. GRIFFIN: I might invite the Chief Justice to make some observations about sentencing generally—obviously, not to talk on particular subjects, but it is always helpful to get a perspective from judicial officers about the sorts of issues they address in the sentencing process: the sorts of issues which frequently are not given any prominence publicly and which frequently are matters which members of the public will not be able to comprehend, because they are not informed about the balancing which needs to occur between various elements of the sentencing process. I invite the Chief Justice to make a comment, if he wishes to do so.

The Hon. the CHIEF JUSTICE: We have finished drafting a summary of the sentencing process, which will go on the courts web site I think in the next week or two, to give the public a written explanation of how the process works, as best we can. It is about three pages long: we have kept it as simple as we can.

We also hope that in the next couple of months we will be running a pilot program on our web site, under which all sentencing remarks of judges of the District Court and the Supreme Court will go on the web site within about 24 hours of the sentence being passed, so that the public will have the information available to them. It is not quite as simple as it seems, mainly because with a thing like this we have to consider privacy issues. It is one thing if a judge reads out sentencing remarks in court detailing, say, the effects of a crime on a victim, knowing that probably, at the most, three or four lines of that might appear in the *Advertiser* the next day. It is another thing if you know that it will sit on a web site for two or three months, as we would plan, where it is in a more permanent form and anyone can have access to it.

We also have to make sure that we have procedures in place to cover suppression orders, victims of sexual offences, and so on. It is taking a little bit of time just to make sure that, in doing this, we do not cause other problems. We are very close to starting the pilot for that and I see no reason to anticipate that it will not be successful. So, perhaps by the end of the year, we will be doing that as a matter of routine.

In those two ways, we hope that the public will get better information. I am sure that all members of parliament would regularly hear complaints about sentencing and, as you probably realise, the main problem is that, through the media, the public hear only one side of the story. They get the seriousness of the crime and a compressed version of the effect on the victim. They hear very little about the background of the offender and also get very little information to explain to them why a judge or magistrate imposed the sentence that he or she did in terms of it hopefully—if there is a hope—leading to rehabilitation. We hope that what we are doing will correct that, but I realise that it will be an ongoing problem and that putting this information on the web site will not solve these problems. We realise that, in terms of public confidence, we have to do whatever we can, and it seems to us that these are two logical steps; and if we identify others we will certainly consider them and, if they are feasible, take them.

The Hon. K.T. GRIFFIN: The other difficulty in respect of reporting is that, frequently, the sorts of remarks to which the Chief Justice referred are given publicity, but frequently the actual sentence is not handed down until some later date. So it is a rather disjointed process. By necessity that is the case and often the penalty which is imposed is either not linked back to the original remarks made in court and reported, or the sentence is not reported in itself. So, there are those difficulties which are of a logistical nature and I think that the initiatives which the Chief Justice has indicated will go some way towards helping us to bring those two areas together.

Mr MEIER: I have a supplementary question in relation to sentencing. I refer to the change in the law in respect of sentencing for home invasions. A leaflet that was put out soon after the change was made states:

> The second way of dealing with penalties for home invaders is by expanding the laws that affect the way the court sentences a person who is found guilty. The new law directs courts to treat an intrusion into the home as a serious crime and to consider immediate imprisonment as a deterrent to others. . . The new laws provide for the maximum penalty of life imprisonment.

Given that the Chief Justice has talked about sentencing, does he or the Attorney-General have any comments to make about sentencing in relation to home invasions? Has the new approach made its way into the courts at this stage?

The Hon. the CHIEF JUSTICE: It is taking a little while for the new legislation to have an effect on the courts because we have to wait until people are charged and then the offences reach the Supreme Court and the District Court. They are coming through and, in broad terms, the new legislation is likely to lead to higher sentences for offences in this category. There are two or three degrees of seriousness, so it is not easy to generalise, but parliament has made it very clear that it now regards this form of offence as more serious than it was regarded in the past. Higher maximum penalties are being specified and I anticipate that the courts will respond accordingly. In the one or two cases I have been involved in through the Court of Criminal Appeal the penalties that have been imposed are I think higher than would have been imposed prior to that legislation.

The Hon. K.T. GRIFFIN: The other aspect of that is that there is some indication that, at least in this current year since the legislation has been in place, the number of cases being charged through the Director of Public Prosecutions has increased quite significantly, and that is most likely a matter of a charging practice rather than any increase in the actual offences. In the 10 months from 1 July 2000 to 30 April 2001 there were 321 committed files for the offences compared with 157 files for the 1999-2000 financial year and 62 such files under the old legislation for 1998-99.

So, there is an indication that the changes to the law have resulted in different prosecution practices. The DPP has indicated that there is an increased workload as a result of that, particularly at the lower end of the scale of seriousness where you now might have something which is breaking into a garden shed charged as criminal trespass when previously it might have been dealt with as a summary offence in the Magistrates Court as not a particularly serious offence in the whole scale of those offences which relate to criminal trespass. But that again is expected to settle down as the DPP sees how prosecution practices develop and how the courts deal with these issues.

Mr ATKINSON: As a supplementary question, can the Attorney extend his habitual correction of opposition members and members of the public who refer to home invasions to members of his own back bench?

The Hon. K.T. GRIFFIN: The legislation actually does refer to home invasion in part. It is a particularly emotive description which I have generally preferred not to use, but it is part of the legislation and it can be reflected as such. All the charging is serious criminal trespass and varying degrees of serious criminal trespass, and that can be from something quite minor up to quite terrible criminal behaviour.

Mr ATKINSON: I understand relations between some magistrates and the public servants who schedule their work has been poor of late. Can the Attorney outline the dispute between the magistrates and their public service supervisors and say what has been done to resolve it?

The Hon. K.T. GRIFFIN: I am not aware of disputes between magistrates and public servants who undertake listing of cases. Some issues have been raised by some magistrates in relation to the broader governance issues about the magistracy, and they have been raised with me by a group of magistrates. My judgment about that is that the governance arrangements in relation to the magistrates work perfectly well as structured at the moment.

The Courts Administration Authority has an initiative—and I have no part in this—probably arising out of its own development of administrative procedures, to endeavour to better manage the administrative affairs of the courts. If there is any disagreement by magistrates with listing practices it may be that it arises very much out of attempts by the courts to make themselves more user-friendly and efficient where that is deemed to be necessary. I invite the Chief Justice, if he wishes, to add to that observation.

The Hon. the CHIEF JUSTICE: I am not sure what the member is referring to, but if he would like to give me more details I would be happy to look into it. I have not heard of any dissatisfaction, and because of that I would be surprised if it was system wide. It may be that there is a problem at a particular Magistrates Court of which I am unaware.

Mr ATKINSON: What savings have been obtained over the past seven years owing to the withdrawal of resident magistrates from Whyalla, Port Augusta and Mount Gambier, or was cost never a principal objective of the withdrawal?

The Hon. K.T. GRIFFIN: Cost was never a consideration. Mr Cramond was the Chief Magistrate at the time when the changes were brought into operation. As I recollect, there were concerns that resident magistrates' time was not being fully utilised in those regional communities where magistrates were located. The major concern was that it was

becoming more difficult to get magistrates to go to regional areas on a permanent basis. More particularly, there was difficulty within local communities if magistrates were seen to be too close to their communities in terms of the appropriate dispensation of justice.

For a variety of reasons, including those to which I have referred, changes were made by Mr Cramond. I notice that the opposition has said that it will reintroduce resident magistrates if it gets into office. First, I hope that it does not get into office, and secondly if it does I think it will find it a particularly challenging experience to go down that path. I would ask whether the Chief Justice wishes to add to those observations.

The Hon. the CHIEF JUSTICE: The information I have suggests that we could not efficiently use a full-time magistrate at Mount Gambier; we could probably efficiently use one to service Whyalla, Port Augusta and Port Pirie, but if a magistrate served those three centres again it becomes partly self-defeating if he or she is regularly going away.

The main reasons are the sort the Attorney touched on. The magistrates were not keen to go to the country: it seems to be a South Australian problem. At times there were complaints locally, for example, the magistrate is too friendly with the local policeman or the magistrate is too friendly with a particular group of solicitors. There are problems in small towns.

Mr ATKINSON: What about villains?

The Hon. the CHIEF JUSTICE: I do not think that was the complaint. However, on the two or three times I have been to New Zealand I have been very interested to see how decentralised its system is compared with ours. It has Supreme Court and District Court judges going to towns where we would not send them and a system where they live in centres in which we would not have them.

I would not pretend it cannot work. I do not know whether the real difference is a different cultural approach to these issues, but it did cause quite a bit of dissatisfaction here yet it seems to work in New Zealand. If we introduced it here I think we would have quite a lot of resistance from the magistrates themselves that we would have to work through, and as a state we would have to be prepared to commit more funding to it because it would cost more.

I noticed that in New Zealand the judiciary is flown more often than we would have to to, say, weekend conferences, which you need to do to get them together. Costs are involved with decentralising these services. I always feel a bit guilty about the way we do treat people in country towns. However, I am still not sure that resident magistrates is the answer because if you ask: what does it achieve? I suppose that, in answer, you would have to say, 'Would a resident magistrate better understand Mount Gambier than a magistrate who goes there regularly on circuit?' I tend to think not. I suppose that one would have to start asking the question: what are we trying to achieve by doing it? Experience indicates that it is not right to say that it cannot be done but there are reasons we would have to work at it to explain why it did not work well here.

Mr ATKINSON: Last year the Chairman of this committee asked some very good questions about the state of the Port Augusta courthouse. Last year I went on a tour of courthouses and registries at Port Augusta, Whyalla and Port Lincoln and I was struck by the poor state of the Port Augusta Magistrates Court. I am wondering whether the Attorney has any good news for us about redevelopment of the Port Augusta Magistrates Court.

The Hon. K.T. GRIFFIN: There is some good news in that there is provision in the budget for the redevelopment of the court at Port Augusta. We have allocated $7.4 million over three years—beginning in the 2002-03 financial year—to build a new courthouse, demolish the old police building and to redevelop the courthouse on that piece of land. That is supported by the local council and the local community. It will enhance the central business district of Port Augusta and it is something which, I think, is long overdue in terms of providing appropriate facilities for the courts to sit in a major regional centre. I invite the Chief Justice to add some remarks.

The Hon. the CHIEF JUSTICE: We are very pleased by the commitment of funding; it is something for which we have been pressing for about five years. As the member says, the facilities at Port Augusta are quite unacceptable for the public and our staff. I think that this redevelopment will turn that around and, probably, be a real boost to the town, too, in terms of cleaning up that site. I hope that the spin-off will be that the existing Supreme Court will be preserved as a heritage building, which has a great history to it, and so that can be used as a community venue for all sorts of things in the future.

Mr ATKINSON: That will no longer be a court?

The Hon. the CHIEF JUSTICE: I am not quite sure, to be honest, whether the plan is to use that as an overflow court; I just do not remember.

Mr ATKINSON: They are very proximate.

The Hon. the CHIEF JUSTICE: Yes, that is right; they are almost next door. But the facilities for the juries are hopeless there and other public facilities are very poor there. As I said, I cannot quite remember whether we are going to use it as a spill-over, but that will be preserved, obviously, because of its history and, in one way or another, it will be an asset for the community.

Mr McEWEN: Minister, I note that in your ministerial priorities and initiatives area you indicate that you wish to reduce reoffending by people with mental impairment. Can you comment further on the strategies that you are hoping to achieve?

The Hon. K.T. GRIFFIN: We had a pilot project relating to a Mental Impairment Court and, as a result of that and an evaluation, we have made a decision in the budget to proceed to make that a permanent feature of the Magistrates Court. The evaluation demonstrated that of those who were assisted through the court 88 per cent did not reoffend. The focus is on ensuring that those who suffer from mental impairment and who end up in the criminal justice system are dealt with in the court in a way which recognises their mental impairment, ensures that, as part of the court's approach to dealing with those offenders, they are dealt with professionally and where they are brought in touch with carers and service providers.

As I say, my recollection of the figures is that something like 88 per cent of those dealt with in that way do not reoffend, and that has a good outcome for the community. The amount of money that we are putting in over four years is something in excess of $2 million. We would hope that it would be able to be extended beyond Adelaide, but that will occur over a period of time. During the first 12 months of operation 201 defendants were referred to the program, 78 of those were not accepted primarily because they did not meet the eligibility requirements and 14 refused to participate.

The level of compliance by participants with the requirements of their intervention plan was in fact higher than what

I recollected: it was 97 per cent at their first clinical review and 90 per cent at their second and third. Feedback from clients and key stakeholders indicated that most felt that it had been appropriately implemented and had generally achieved its objectives. I have been a very strong supporter of this. I think that many people in the criminal justice system are there because of mental impairment. The recognition of that through this program, I think, in the longer term will have significant benefits for the community and not just for those who suffer from mental impairment. I invite the Chief Justice to add to those remarks.

The Hon. the CHIEF JUSTICE: We support these programs, but there are one or two cautionary notes I want to sound. One is that we must be careful not to confuse the role of judges and magistrates with the role of what I call treating professionals for some underlying problem. We have to be careful not to either make people think that is what we are doing or get us into the frame of mind where we think that is the skill we have got. We must watch that carefully. The other thing that we have to watch carefully is that the community does not get the impression that the criminal justice process has become a series of streams under which some people are given favoured treatment for reasons that might not seem obvious to the community and others do not.

I think that in any of these schemes the criteria under which we are working must be made very clear to avoid dissatisfaction in the community. While I think that, in particular, the mental impairment program is a very sensible way of handling a real social problem, we must watch carefully all of these specific treatment programs to ensure that we do not create another problem further down the track.

Mr McEWEN: Favoured treatment is appropriate treatment and I think that it has been a very good news story, but the public is not as aware of it as they should be.

The Hon. the CHIEF JUSTICE: To the public it seems favoured; that is what I really mean.

Mr McEWEN: On the contrary, I think that they see that this is a more appropriate 'horses for courses' approach; and it is a good news story that not enough people are aware of. With respect to the magistrates civil court, I note that the minister has indicated that there will be an increase in actions there of nearly 6 000 and that most of them are attributed to the new emergency services levy. Why does the minister believe that there will be so much difficulty with compliance with the emergency services levy?

The Hon. K.T. GRIFFIN: There will be a number of people, whether it be council rates, water rates, land tax (for those few who pay land tax) and those liable to pay the emergency services levy, who will just refuse to pay, or the addresses may subsequently become unknown. There is provision under the Local Government Act for the sale of property for non-payment of rates, and I think that rather than using that most local government bodies will try to pursue it through the court processes. The honourable member may wish to take up with Minister Brokenshire, when he is here, the question of performance in respect of the emergency services levy, but there are a number of people who, for one reason or another, have not paid.

It remains to be seen what follow up is required through the courts, but quite obviously the courts are the appropriate avenue to pursue that if people, for one reason or another, do not meet their legal obligations. The end of year 2000-01 estimated result in the Magistrates Court showed that there were a number of civil court orders to enforce: 30 000 is the estimated end of year result. The target or expected level of activity for 2001-02 is 28 000. I have a couple of other pieces of information. Of the approximately 5 600 emergency service levy accounts remaining unpaid at the end of May 2001, approximately 1 000 of those have debts of less than $50 and they will be carried forward on to the 2001-02 levy notice.

The other point to recognise is that, as I understand it, the Commissioner of State Taxation has the delegated authority to act on behalf of the Minister for Police, Correctional Services and Emergency Services with respect to the collection of outstanding amounts. I gather that there are currently 65 cases with the Magistrates Court as a result of summonses being issued. We will look at the detail to see whether I have missed anything in relation to that and, if so, I will respond further when replies are required to be provided to the committee.

Mr McEWEN: I am disappointed to see that the minister has dropped the target for next year in relation to the percentage of criminal trial matters determined within 30 weeks. In the past couple of estimates we have discussed applying pressure to achieve the targets and it seems now that we have taken the soft option and reduced the target from 75 per cent to 70 per cent. It shows a performance indicator of 2.2 and it refers to the percentage of criminal trial matters finally determined within 30 weeks. Basically the minister's aim was 75 per cent this year, but obviously that has not been achieved because it has been dropped to 70 per cent.

The Hon. K.T. GRIFFIN: I will ask the Chief Justice to respond.

The Hon. The CHIEF JUSTICE: I cannot be very specific about the Magistrates Court but, drawing on our experience in the higher courts, it is not often a matter of availability of courtrooms or magistrates but the ability of the parties to be ready, and that in turn in the criminal area often flows back to police resources and the availability of legal aid, although that is probably less of a factor in the Magistrates Court. The issue of times and targets is one where we cannot be precise. I do not know why it has been shifted back 5 per cent: maybe experience has shown that it was not realistic. We found that with the Supreme and District Courts we had set targets some years back which were not realistic.

That performance rate is pretty good. My memory from the commonwealth national benchmarking figures is that our Magistrates Court is one of the quickest in Australia. While the target has slipped back a bit, overall in national terms it is quite satisfactory. Sometimes people need time if they have been charged, even with something relatively minor, to get time off work in order to see a solicitor. Various things have to be done and, while we want to move on these matters as fast as we can, if you move them on too fast you cause other problems.

The CHAIRMAN: I point out to the Attorney that we are 10 minutes over on this section—would you like to continue?

Mr ATKINSON: We would love to continue.

The Hon. K.T. GRIFFIN: I am in the hands of the committee and I will endeavour to satisfy its wishes.

Mr McEWEN: I point out that 30 weeks was the benchmark and the Chief Justice is saying that it is ahead of the national average. Maybe it was optimistic—I do not know.

Mr ATKINSON: The Chief Justice and the Attorney-General will recall that Mr Justice Mullighan was critical during Law Week a couple of years ago of the opposition's proposal for a separate home invasion offence—what became aggravated serious criminal trespass. When the Premier rolled

the Attorney-General in cabinet and introduced into parliament the new criminal trespass offences, which were swiftly passed by both houses of parliament, assented to and proclaimed, did I miss Justice Mullighan's criticism of these, and does the Chief Justice have any firm boundaries on judges commenting about matters of controversy between the government and the opposition?

The Hon. K.T. GRIFFIN: To deal with the first part, I take exception to the assertion that I was rolled. I know the honourable member might wish to develop some sense in which he might undermine my position, but he will not be successful. As I indicated at the time, the government had been giving consideration for a long time to the developing emotive clamour in relation to home invasion. It was an emotive topic that did not take any cognisance of the way in which the courts were actually dealing with what was then breaking and entering and other serious offences such as burglary.

Whilst the honourable member was raising these issues publicly, I point out that he had no constructive drafted provision to deal with this issue and, in the meantime, I and my officers were giving attention to that with a view to ensuring that we had a coherent legislative package that would properly address not just the emotion but also the underlying rationality of the Criminal Law Consolidation Act and this particular offence. We now have got past that emotion and, as we have already discussed, it is having some impact in some areas of sentencing and workload and in the way in which issues of break and enter, as previously described, are now being dealt with.

In relation to the honourable member's comment about Justice Mullighan, it is a matter I will have to ask the Chief Justice to comment upon if he wishes to do so.

The Hon. The CHIEF JUSTICE: I do not remember Justice Mullighan's comment. There are a couple of issues in this area, one being the size of the problem. Sometimes as we all know the community gets anxious about an issue in the area of criminal justice even when the statistics show that the level of offending has not altered greatly. That is something on which we must all keep an eye. The other issue is a definitional problem. It is interesting that, if you look through the Criminal Law Consolidation Act, sometimes you will find offences which are gradually being cleaned out. You may find offences such as setting fire to haystacks. You wonder why it is there when we have all sorts—

Mr Atkinson interjecting:

The Hon. the CHIEF JUSTICE: That is right. You always find that there was a social problem at the time, it was a response to it and when you look at it in retrospect you wonder why they did not handle it within the ordinary law of arson. We need to be careful to not break-up the criminal law into too many small tributaries and create too many subsidiary offences. One thing that we have to recognise—

Mr ATKINSON: Like driving off without paying for petrol.

The Hon. the CHIEF JUSTICE: That sort of thing, yes. The more you do that, the more you start to create discretions that prosecutors can exercise as to whether they make a general or a specific charge—and that can become a very significant choice. I think these issues are quite difficult but, in the broad, I think the question of penalty is a matter for parliament—and obviously the courts must administer it.

Regarding the general issue of judges speaking out, a few weeks ago I attended the Judicial Conference of Australia and I was involved in a session which dealt with that very issue. I think it is fair to say that, generally, judges are speaking out more than they did in the past. My view is that we have to be rather cautious because, although I think that often judges can make a useful contribution, the more they do it the more we have to contemplate that the public will then see judges differing over issues and start thinking that, if judges are differing, what is wrong within the judiciary?

Most sensible people realise that there is no harm if different views are expressed, but the public have certain expectations of the judiciary, and it could trouble them. It is inevitable that, if judges speak out often, they will make mistakes—sometimes embarrassing mistakes. However, the short answer is that, in relation to matters that could become an issue of political controversy, my view is that we should say nothing except when that political controversy touches what you would call our core work.

Is it sensible to create a separate offence for that very issue? A judge could legitimately comment on whether you would be unduly complicating criminal law by creating a new offence but, as to whether in the end it should be done despite the complications, my view is that that is a matter for parliament and we would have little to contribute to that other than as an ordinary citizen.

The Hon. K.T. GRIFFIN: The honourable member's gratuitous interjection in relation to driving off without paying for petrol has spurred me to respond, because it is not a specific offence to deal only with driving off when not paying for petrol.

Mr Atkinson interjecting:

The Hon. K.T. GRIFFIN: It will help a lot of people because it is an offence of making off.

Mr ATKINSON: Hear, hear! That's good.

The Hon. K.T. GRIFFIN: I am delighted that, at this stage, the honourable member seems likely to support the proposal. The problem has always been that, with respect to non-payment for petrol, it is difficult to establish the technical ingredients of the offence of larceny.

Mr Atkinson interjecting:

The Hon. K.T. GRIFFIN: It is all very well for the honourable member to interject in relation to it, but it is a serious issue for service station proprietors who say that the total cost to them is about $7 million to $8 million a year across the state.

Mr Hanna interjecting:

The CHAIRMAN: Do you want me to control the committee under the rules of parliament, or shall we get on with it?

The Hon. K.T. GRIFFIN: In respect of the offence to which the honourable member referred, it is a more generic offence, and the whole object of the re-draft of fraud theft related offences is to try to address some of the issues to which the Chief Justice referred and, hopefully, although it is drafted in quite modern terms, it will nevertheless be the subject of general acceptance by the honourable member, the legal profession and the courts as an important way to drive the criminal law in respect of this particular area of the law, some of the offences of which go back to the 13th century, and it is time for us to properly address the reform of those.

Mr HANNA: I refer to the Supreme Court Judges Report to Parliament for the year ending 31 December 2000. At the bottom of page 5, the report refers to time standards in the criminal jurisdiction. It states:

> The Chief Justice and the Chief Judge are reviewing the position in considering whether additional judicial resources are needed or

whether the worsening position is attributable to delays by the prosecution and defence in preparing for trial.

My question is: what was the outcome of that review and, in particular, is the solution additional judicial resources or should there be a focus on preparation for trial by the prosecution or the defence or a combination of those factors?

The Hon. K.T. GRIFFIN: I will invite the Chief Justice to comment.

The Hon. the CHIEF JUSTICE: I thank the honourable member for his question because it shows that someone is reading our annual report to parliament which I often feel just disappears into space. I am pleased that it is being read. We are reviewing the position in an ongoing way. That is not a way of fobbing off the question, but this is not something which you ever stop keeping an eye on. Our present view is that there is no need for increased judicial resources or more courts. The main obstacles to our disposing of the criminal work more quickly are, very broadly, in terms of prosecution resources, legal aid and the profession's own way of organising its work.

In other words, the broad picture is that, generally, we are pushing the parties to be ready and to bring the case on rather than the parties saying to us, 'We're ready; we want a judge.' So, in a broad sense there is no problem with court resources. We continue to grapple with this problem of ensuring that the prosecution case is fully prepared, the defence have organised legal aid and that, between themselves, they have sorted out the issues and the case is ready to go.

It is something that is quite intractable in the sense that I do not think that anyone around Australia has been able to devise a method or a solution which enables you to say that we have now trimmed 10 weeks off the process. It is a mix of a range of factors. All we can do is continue to work at it, because we do not regard the figures as being as good as they can be. There is a limit to what we can do other than taking the approach, which we do not want to take, of listing the case whether they are ready or not, because that runs the risk of causing injustice or last-minute cancellations where you have to face the fact that the case really is not ready and you have just produced more inefficiencies. Overall, our figures are reasonably good, but I am concerned that they are slipping a bit at the moment despite the fact that we are constantly reviewing the procedures and doing everything that we can to move cases fast.

The Hon. K.T. GRIFFIN: In that regard, there is a bill before the Legislative Council which hopefully we will get to in the next sitting week, which relates to criminal law legal representation and which will automatically provide legal aid to a defendant and hopefully avoid the delay that occurs from time to time when a defendant indicates to the court that he or she has not yet got legal aid or has not even applied for it, and better manage that process as well as the few cases that fall within the category of Deitrich applications for stays of proceedings. I think that will help in some way, if only a small way, to ensure that, from the defence perspective, cases are ready to go when the court and the prosecution are also ready to go. So, I encourage the honourable member to try to expedite consideration of that particular piece of legislation.

Mr HANNA: A New South Wales magistrate recently created controversy with her public ex curia remarks reflecting on the probability of rape complainants concocting their allegations against the background where a prominent public figure has been charged with rape. What measures are in place to discourage judicial officers from making those sorts of public comments and, should such comments be made, what disciplinary procedures would be adopted?

The Hon. K.T. GRIFFIN: In some respects it is hypothetical but in other respects a reality. I do not know all the facts relating to the New South Wales magistrate's outburst. I am not inclined to comment on it, because it falls within the jurisdiction of another state and particularly the New South Wales Attorney-General, who has been reported making some comments expressing concern about the public statements which appear to have been made. I do not think it is wise for me to make a comment about this particular case. It is still in the very early stages of working through.

As a general matter of principle, though, from my perspective as Attorney-General, I think it is important for judicial officers to keep their own counsel, to be circumspect in their public remarks and to ensure that at all times they are seen to be without what might be regarded as prejudice or with entrenched views not necessarily regarded as acceptable within the broader community. As matters of principle, that is about all that I can say.

I do not think it is particularly productive to translate the New South Wales magistrate's reported comments to the situation in South Australia. The Magistrates Act in this state contains procedures that deal with issues of discipline: they speak for themselves. I invite the Chief Justice to add any remarks that he wishes.

The Hon. the CHIEF JUSTICE: There are no measures in place in this state that would prevent a magistrate doing that. As to all members of the judiciary, we rely on a general understanding as to when it is appropriate for a member of the judiciary to speak out and when it is not appropriate. As I indicated a moment ago, the boundaries are shifting in favour of speaking out, but it is a matter of collective understanding as to what is appropriate.

If it were to happen and, if either the Attorney or I took the view that it required some disciplinary response, there are procedures under the Magistrates Act under which either the Attorney or I can initiate a form of inquiry. But, like most of these, my memory is that it is an inquiry as to whether there is cause for removal of the magistrate. There is no procedure for dealing with something where we would say that it should not have happened but it clearly does not warrant removal; in other words, there is no formal procedure for dealing with what we might call a relatively minor departure from appropriate standards of behaviour. It would be open to me to ask that magistrate to see me and to discuss it with me and for me to express views on what had been done. I would not hesitate to do that if I thought that appropriate, but it would be dealt with informally in that way.

The Hon. K.T. GRIFFIN: The other point to make is that, as Attorney-General, I would not presume to speak to that magistrate. Whenever I receive from constituents any issues that relate to a particular judicial officer's performance, it is always referred to the chief judicial officer of that particular jurisdiction and that chief judicial officer deals with the issue and may or may not indicate to me what the outcome has been. I think that we need to be very serious about endeavouring to maintain that distinction between the executive and judicial arms.

Mr SCALZI: I refer to output class 1, preventive services, page 5.5. One of the targets for 2001-02 is to implement and strengthen support arrangements for special courts for Aboriginal people. As a member of the State Reconciliation Council, I have a particular interest in this area. Can the Attorney-General advise the committee on the

Aboriginal court day and other initiatives to assist Aboriginal people in the courts system?

The Hon. K.T. GRIFFIN: Within the courts system, what is happening in South Australia is really at the forefront of the way in which we deal with Aboriginal defendants. I think that members of the judiciary at all levels in South Australia demonstrate particular sensitivity to dealing properly with Aboriginal defendants. One manifestation of that is the Aboriginal court day or the Nunga court at Port Adelaide, where the magistrate sits below the bench and deals with matters, nevertheless in a court environment, more informally than ordinarily and has the support of an Aboriginal community leader.

Having been to the launch of the Aboriginal court day at Port Adelaide, I was impressed with the level of support that was coming from the Aboriginal community at Port Adelaide in supporting the work of the court and also the defendant in satisfying his or her obligations to the court as imposed by the magistrate. That Aboriginal court day has now been extended to Murray Bridge and, in July, it will be extended to Port Augusta.

Also through the courts, we have appointed two Aboriginal justice officers who will be based in Port Augusta. There is a significant focus on dealing with Aboriginal issues within the courts system. The fines payment unit and fines enforcement is one area where there was a great deal of concern from the Aboriginal community about the way in which Aboriginal fine defaulters might be dealt with, and three Aboriginal justice officers were appointed specifically to deal with that. Out of that has arisen a general wish for the courts to engage Aboriginal justice officers in providing better relationships with Aboriginal communities. I invite the Chief Justice to add to those remarks.

The Hon. the CHIEF JUSTICE: We put a considerable emphasis on our relationships with the Aboriginal community. We do not make many public statements about it because they often seem more designed to attract approval to the entity rather than to advance the problem that we are dealing with, so we do not say a lot about it. We have a lot of contact with the indigenous community. The Aboriginal court day appears to be a real success story and in various ways and through quite a few members of the judiciary we have quite a lot of contact with indigenous people.

We have an ongoing cultural awareness program in which we go to their premises in Adelaide about once a year and discuss issues of mutual concern. Late last year about 30 or 40 of us from the courts, that is, judiciary and court staff, went to Port Augusta for a weekend and we spent a day and a half talking to the local Aboriginal community about problems there and we invited local police along and representatives of state and local government as well and then, in the afternoon, we went out to the prison and had a look at the way in which Aboriginal offenders, in particular, are treated.

We are doing as much as we can, recognising that again in this area there are no instant answers but trying to show the Aboriginal community that we are concerned about the way in which the courts impact on them and we are, with them, trying to find ways in which we can ensure that we deal with them in an intelligent way when they are before the courts, but emphasising that we are trying to work with them, not to tell them that we know what the solution is and to impose solutions on them.

Mr SCALZI: I refer generally to the budget papers in this, the International Year of the Volunteer. Can the Attorney advise the committee of the work of volunteers in the courts system?

The Hon. K.T. GRIFFIN: I will make some observations before inviting Mr Cossey, State Courts Administrator, to add to them. In general terms, it is important that we use volunteers to the fullest extent across all the services that government provides, as well as in the courts, and recognise the contribution that volunteers make. In the courts, the volunteers are largely unsung heroes. They provide a very valuable service to people who come to the courts and who are perhaps intimidated by the structures and the processes but who, nevertheless, need to be supported in one way or another with respect to the processes of the courts.

In April I launched the Youth Help Liaison Committee in the Youth Court. That committee comprises retired or semi-retired community members—a nurse, a social worker, a retired psychiatrist, a private sector administrator, a retired police commander, a retired dentist and an experienced charity worker fundraiser—and it will develop and coordinate a broad based group of community organisations able to offer community service placements to youths who have attended family conferences. The committee will monitor placements and provide a link between the family conference team and the agencies providing placements. The Salvation Army also continues to provide very valuable volunteer support to those who attend the Youth Court. Its members visit young people in the cells and assist families with information and counselling.

There is a volunteer service in the Courts Administration Authority which was established in 1989 and which has been administered by the Magistrates Court division since 1996. I will invite Mr Cossey to indicate the extent of that volunteer service.

Mr COSSEY: There are currently 87 active volunteers working in the Magistrates Court. Most work three hour shifts during our busiest court times—9 a.m. until 12 noon—and last financial year the court volunteers provided service to something like 78 000 court users. They serve refreshments and provide information to people coming to court. We are about to commence a re-examination of the role that our volunteers play. All the things that they currently do are certainly useful. Previously, the volunteer was often the first person seen by a person arriving at court. Now that we have introduced point of entry security, the first person seen is generally a Sheriffs Officer. The volunteers, therefore, are a step back, and we are looking at whether we need to make our volunteers more mobile so that they are moving around the court buildings rather than simply sitting behind desks, particularly as many people are now receiving their information directly from the Sheriffs Officers.

We are also looking at whether we can expand the range of volunteers to perhaps a wider age span. Many of our volunteers are older, retired people. A lot of the people who come to the court are younger people, and we would like to think that we could probably get a better age range of volunteers. I cannot see any way in which the services provided by volunteers will diminish—in fact, I think there are plenty of opportunities for an increase.

Mr SCALZI: I have a supplementary question. Are there any plans to incorporate into that scheme people from non-English speaking backgrounds who would be more culturally sensitive to the issues of those facing the courts?

Mr COSSEY: Absolutely. I think that one of the things that has emerged from recent work in the area of community confidence in the courts is that it is obvious that many people

who come to courts are of non-English speaking backgrounds, and we are looking at the ways in which we can make sure that we respond in the best possible way to people from a whole range of backgrounds. That will be part of the agenda.

Mr MEIER: I would like to take up an issue that was partly touched on earlier, namely, people not paying their emergency services levy fines. Will the Attorney advise the committee on the success of the implementation of the fines enforcement legislation?

The Hon. K.T. GRIFFIN: It might surprise members to know that the Courts Administration Authority has won seven awards for that campaign, at the highest level, nationally—

Mr Atkinson interjecting:

The Hon. K.T. GRIFFIN: It was very good—it was also very effective. It has been a particularly successful program. In a moment, I will ask Mr Cossey whether he would like to make some observations about it. The good news is that, presently, in excess of 9 000 direct debit payment arrangements are in place, with approximately $700 000 per month being receipted from this service. On average, 1 017 payments are received through Australia Post, to the value of $239 784 a month. The average number of payments received at Transport SA customer service centres is 233 payments per month, which represents $56 392 per month. I understand that the Courts Administration Authority currently is working with Transport SA to identify any impact on registration and licensing services revenue as a result of the initiative, which ultimately can mean a refusal to conduct any business with a licensing and registration branch until payment is made or until arrangements are made to effect such payment.

Mr Atkinson interjecting:

The Hon. K.T. GRIFFIN: I will get Mr Cossey to deal with that in a moment. The Easy Pay Fines Call Centre receives an average of 10 838 calls per month. It collects about $180 524 per month, on average, in credit card payments and makes about 1 591 outbound calls per month, on average. A lot of benefits seem to have occurred as a result of the initiative. I will ask Mr Cossey to comment, and he might also be able to give some idea as to the percentage payments being made.

Mr COSSEY: The majority of court fines begin as expiation notices issued by the police. At the time that we introduced the campaign, although it talked only about fines enforcement, it was always understood from the market research that we had undertaken that members of the community would interpret it as relating to expiation notices, because they colloquially refer to them as 'on the spot fines'. We have been mindful all along that the success of this campaign needed to take into account what was happening with the police at the expiation notice stage and also at the court stage.

Prior to the scheme being implemented, the payment rates at police were about 70 per cent and in courts about 50 per cent; they were the benchmarks, roughly, that we used. It is not easy to obtain absolutely up-to-date information about police expiation notices because of lag effects, etc., and the number of people who choose to challenge the expiation notice, look at the photos, and so on.

With respect to the latest information that we had last year, it looked as if the police expiation recovery rate was up to about 79 per cent, and ours oscillates, we think, somewhere between 55 and 60 per cent—it depends, because we have so many people on these direct debit arrangements, where the money is coming out of their bank account every fortnight or every month, according to the scheme that has been entered into. We are still trying to exactly calculate what it translates to. We know that, last year, at the courts end, we collected $30.5 million as opposed to $25.8 million in the previous year. The scheme, I think, came into effect in March. So, that reflects about nine months of activity under the new scheme, compared to the previous year.

Mr SNELLING: I refer to page 5.43 of volume 1, budget paper 5. Non-current assets listed are works of art and cultural collections amounting to almost half a million dollars. What does that collection comprise and is the $498 000 a current valuation or does that figure consist of just the purchase price?

Mr COSSEY: These are art works in the Supreme Court building and the valuation is, I am told, three years old.

Mr SNELLING: What are these art works?

Mr COSSEY: Paintings.

Mr SNELLING: How recently were these paintings purchased? Are they very old paintings that have been in the Supreme Court for a long time or are they more recent acquisitions?

Mr COSSEY: They cover a whole range of years.

The Hon. the CHIEF JUSTICE: We would very much like to have an art acquisition program. However, we do not have one, so I can only assume that these are all paintings of former Chief Justices and the odd historical portrait which we have hanging on walls around the court rooms. We have a moderate collection of robes and so forth that have been donated by retiring judges. So I think that the collection would mainly be of pictures of former judges, robes and some pieces of furniture which are reasonably valuable, for instance, desks used by the first Chief Justice. But we do not have any acquisition program, so if anything has been acquired in the last three years it would only be something that someone has given to us.

Mr SNELLING: Are all of these items historic in nature?

The Hon. the CHIEF JUSTICE: Yes, they are. They are all related to former office holders and aspects of the judicial office.

Mr SNELLING: I refer to page 5.47 of the same budget paper. In the Statement of Cash Flows, listed under payments, the three main items are 'employee entitlements', 'supplies and services' and the last one is 'other payments' which is by far the largest item of those three, making up over half the total operating payments that the Courts Administration Authority makes. What is the breakdown of those other payments? It seems strange because, normally the miscellaneous item would be the smallest, whereas here it is the largest item and the budget papers do not break this item down further.

Mr COSSEY: It is a quite technical accounting practice. That is revenue that the courts collect generally from lodgement fees and other fees from people transacting business with the courts, which are collected on behalf of the government and which are paid to consolidated revenue. In our terminology, this is called administrative revenue in that we collect it on behalf of the government and simply pay it into revenue rather than using it for our own devices.

Mr SNELLING: So, it is just the other side of the ledger from where fines and penalties are listed under receipts?

Mr COSSEY: Yes, to some extent.

Mr SNELLING: Do you think that in the future that could be made clearer? Is there some reason why it is just listed as 'other payments'?

The Hon. K.T. GRIFFIN: We are always endeavouring to respond to people's needs to make the statements clearer.

Mr SNELLING: Does this consist purely of the payments made by the authority into consolidated revenue or could there possibly be other items mixed in there?

Mr COSSEY: There are certain revenues that the Courts Authority is able to retain for its own purposes but there should not be anything in those figures that relates to anything other than revenue that is collected on behalf of the government and paid into the Consolidated Account. As far as I understand it, we simply comply with Treasury guidelines in terms of the presentation of these accounts.

Additional Departmental Advisers:

Mr S. Tully, Electoral Commissioner.

Mr D. Gully, Deputy Commissioner.

The CHAIRMAN: We will now deal with the State Electoral Office.

The Hon. K.T. GRIFFIN: I do not wish to make any opening statement in relation to this area.

Mr ATKINSON: I congratulate the Electoral Office on its much improved method of keeping up with changes of address and changes of enrolment. I think the new method the office is using is working very well, and very accurate and helpful information is being provided to electoral offices. I am most grateful for that, particularly the information about why people are changing their enrolment. I am also impressed with the office's range of publications, particularly the information about enrolling that I am now able to give new citizens in, I think, 12 or more different languages. I am very satisfied with the Electoral Office at this time and I would ask one of my colleagues to ask a question.

Mr HANNA: A federal parliamentary committee has mooted possible electoral law changes such as closing the rolls the day after an election is called and requiring quite stringent identification requirements at the polling booth, such as a photo ID or something of that nature. If such changes were to be adopted in South Australia what would be the budgetary implications, and how many people might be disfranchised by those stricter procedures?

The Hon. K.T. GRIFFIN: I think that report became available only yesterday.

Mr HANNA: We're up with it.

The Hon. K.T. GRIFFIN: That's good to hear. We are up with it to the extent that we understand what some of the recommendations are. In our electoral bill currently before the Legislative Council there is a provision in relation to identification for the purposes of getting on to the roll. We have been anxious to ensure that in dealing with those sorts of issues there is a consistency of approach between the state government and the federal government. In a moment I will ask the Electoral Commissioner to comment on that question in respect of the identification at the polling booth.

Obviously it is an important report that has come down federally. We will have to have a look at it, because if it is at all possible to ensure consistency of approach one would wish to do so. We have a common electoral roll. There are some differences at the moment, particularly in relation to enrolment issues. There are areas where we will not be absolutely consistent but in others we should endeavour to be so. From the government's perspective we will be looking with interest at the report and its recommendations, but from my point of view it is premature to be making any comment about the likely position of the government in respect of the report. I invite the Electoral Commissioner to make additional comments.

Mr TULLY: We have had a chance to read the report but not to study it. Its major thrust is concerned with enrolment. I realise and understand that there have been some comments reported in the press about ID at polling booths but my initial reading of the report is that it only makes a couple of passing references to voter ID. It is mainly concerned with enrolment ID and close of rolls as well—it is shortening the close of roll period. I am not able to give any further information on the voter ID because there are only very passing references to that.

The continuous roll update procedure is given coverage in the report. The aim of that strategy is to ensure that the rolls are as up to date as they can be at any point in time. The report gives some views and information about the impact of closing rolls at an early stage given the traditional habits of some electors in leaving their enrolment to the last moment and possibly finding themselves not enrolled or enrolled for the wrong district or whatever.

Mr HANNA: As a brief supplementary question, if we in South Australia were to adopt more stringent identification procedures along the lines mooted in the federal report for enrolment purposes, might that not leave people, such as Aborigines in remote areas, short of the requisite ID and therefore create a barrier to getting on the roll?

The Hon. K.T. GRIFFIN: It is probably very difficult to respond in depth on that issue at this point, but I will ask the Electoral Commissioner whether he wishes to make any observation on it.

Mr TULLY: If parliament passes the legislation—and of course it is dependent on regulations—the issue of ID is something that we would have to apply ourselves to to ensure that we made enrolment equitable and accessible.

The Hon. K.T. GRIFFIN: The point is that if people are eligible to enrol and to vote then they ought to be encouraged to do so and we ought to facilitate that, but recognising that there does have to be in some form or another some means of providing identification. I do not think anybody on any side of politics would argue that we should not be certain that the person who claims an entitlement to enrol is actually the person enrolling.

Electoral fraud issues attract very close public scrutiny and I would not like to think that our roll is under a cloud because of allegations of inadequacy in the enrolment processes. On the other hand, I am a very strong supporter of ensuring that those who are eligible to enrol are given every opportunity to do so, but we should not be allowing enrolment where there is not some measure of certainty that the person making the application is in fact the person entitled to enrol. There is a balance to be achieved in this. So far as the federal report is concerned, as I indicated earlier, we will be looking at it. But it is premature to be making any judgment about the recommendations.

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

Mr ATKINSON: I refer to page 5.5 of the Portfolio Statements, volume 1, where it states, 'Completed the second and third reports on the review of victims of crime.' Of course, it is notorious that, if the attorney had had his way, the introduction of an oral victim impact statement would have been delayed until after the review of victims of crime was completed, so we would not have had an oral victim impact statement now. In 1998, against the furious opposition

of the Attorney-General and the governing party, parliament passed the Criminal Law Sentencing (Oral Victim Impact Statements) Amendment Bill, giving victims of indictable offences or, in the case of homicide, the next of kin of the victim, the choice for the first time to have a voice in court in the presence of the sentencing judge and the offender.

The Attorney-General will recall that he was unsuccessful in his last ditch attempt to amend the bill so that the oral victim impact statement would have no evidentiary weight. An offender is now appealing to the Court of Criminal Appeal on a number of grounds, one of which is to assert that he has no obligation to be in court to hear the victim impact statements of his victims. Will the crown be making a submission on the appeal to the effect that the legislation should be interpreted as requiring the presence of the offender during the reading of the victim impact statements, or is the Attorney-General disinterested in this matter?

The Hon. K.T. GRIFFIN: I am very much interested in it, and I must say that I am surprised that a shadow attorney-general should be out in the public arena making—

Mr Atkinson interjecting:

The Hon. K.T. GRIFFIN: The Premier was very discrete in what he had to say. Attorneys-General and shadow attorneys-general have a special responsibility to ensure that they do not embark upon quite significant public comment about the merits or otherwise of a decision which has been taken in court, particularly when the appeal processes have only just begun. I was surprised that the honourable member in his capacity as shadow attorney-general indicated what the Labor Party would do if the court of appeal found one way, presuming he would not do anything if it found the other.

We have to remember that in this particular case the accused has appealed against conviction. We also have to remember that he has not appealed in respect of this particular matter of the victim impact statement but that the judge has stated a case to the Court of Criminal Appeal. If one embarks upon public comment on that sort of issue whilst appeals are current, there is always the prospect that at some time in the future an accused person may be prejudiced or compromised by the public statements which have been made.

In this particular case, if there is an appeal against conviction, we cannot at this stage predict what might be the outcome of that—and I do not want to get into debating the merits or otherwise of that—but there is always the possibility that the appeal may be upheld and, if there is a retrial, the sort of public comment that has been occurring in relation to this might well be regarded by the court as of a compromising nature. That having been said, I think that we need to put on the record clearly what the history of this matter has been, because the honourable member released a press statement which told only a small part of the whole story about victim impact statements.

Mr ATKINSON: I did not publish a thesis on it.

The Hon. K.T. GRIFFIN: Unfortunately, if the honourable member had he would have been closer to the mark. The honourable member introduced a private member's bill in December 1997. It was subsequently—

Mr Atkinson interjecting:

The Hon. K.T. GRIFFIN: No, not on the first occasion. The bill was reintroduced a second time with substantial amendments. The honourable member had obviously done this quick flick and said, 'Let us put something into the parliament, get a bit of quick publicity and do not worry about how it will or will not work.' Subsequently, the honourable member saw the error of his ways when the second bill had substantial amendments. In the House of Assembly the government did oppose the bill because the role of the victim in the criminal process is to be thoroughly reviewed by the Attorney-General's Department, which will include a comprehensive review of the operation and effectiveness of victim impact statements.

It was quite clear at the time that the issue of whether or not a victim should be able to give an oral statement in the sentencing process was something that had not been previously tested. It raised a number of important issues about the sentencing process, and for victims it raised the question whether they should be subjected to cross-examination on the victim's impact statement that was being made. That has always been one of the concerns and it is still one of the concerns that arises in relation to the current legislative framework. The issue was in fact dealt with by the Victims' Review, which recommended that section 7A be repealed and section 7 be amended to clarify that victim impact statements may be furnished by a prosecutor calling a victim to read his or her statement.

Because the sections may mean that the victim must complete two impact statements—and that is because there is a distinction between oral and written statements—it is of concern as to whether that is to be ultimately the process. Other amendments were made by the member for Chaffey and subsequently the bill passed the House of Assembly in July 1999. I raised in August 1998 some concerns about the rules of court not being followed by victims and that statements are best presented by the DPP who knows the rules rather than a victim who does not.

A victim may make a factually incorrect statement that exaggerates or discloses matters to the jury for the first time. The key issue, as I said earlier, was whether the person who makes a victim impact statement was liable to be cross-examined. I hold the view that I think it would be most unfortunate for a victim to be subjected to cross-examination. The issues raised by the victim impact statement are issues which the court should and, in fact, must take into consideration in fixing a sentence. The last thing we want during the sentencing process is for a victim to be put in the witness box and cross-examined extensively on the allegations made in the victim impact statement. Fortunately, I do not think that has happened so far but it is always open to occur and, if it does occur—

Mr Atkinson interjecting:

The Hon. K.T. GRIFFIN: Two years is not a long time in politics or in the area of the courts: you ought to know that, Mr Atkinson. The unintended effect of the bill that came to us in August 1999 was that the offender could prevent the reception of any interested victim impact statement by simply announcing that he or she disputes all of it. The only alternative left by the bill, as it was then received by the Legislative Council, was the equally unreasonable one of assuming that any assertion by the victim in a statement amounts to unassailable proof beyond reasonable doubt, and I said that the bill was confused, unfair in its intended operation and not thought through, and the DPP, the Chief Justice and the Law Society all pointed to flaws in the bill.

I then took the liberty of moving some quite substantial amendments to it in the Legislative Council. The Leader of the Opposition in the Legislative Council (the Hon. Carolyn Pickles), in fact, thanked me, saying—

Mr Atkinson interjecting:

The Hon. K.T. GRIFFIN: —that the Legislative Council picks up mistakes in the transmission from one house to

another. The leader said, 'We will support the Attorney-General's amendments with goodwill.' Lo and behold, when it gets back to the House of Assembly the honourable member had changed his mind. He said, 'I have changed my mind.'

Mr McEwen interjecting:

The Hon. K.T. GRIFFIN: He is allowed to change his mind but one would expect that there would be some liaison between his representative in the upper house and the honourable member in the House of Assembly.

The CHAIRMAN: That is expecting a bit much.

The Hon. K.T. GRIFFIN: Do not let me embark upon that, Mr Chairman. In the end, we did have a section that, as a result of the work which I did, was substantially amended on the provision that came to the Legislative Council from the House of Assembly and, as a result, it is a significantly improved provision. I hasten to say that, subsequent to the implementation of this (and notwithstanding the concerns that I and others expressed), the oral presentation of a victim impact statement has gone reasonably well.

Mr Atkinson interjecting:

The Hon. K.T. GRIFFIN: No; reasonably well.

Mr Atkinson interjecting:

The Hon. K.T. GRIFFIN: Not every person has used it on every occasion.

Mr Atkinson interjecting:

The Hon. K.T. GRIFFIN: No-one said it was, but it has been reasonably successful and so I acknowledge that that is now an important part of the victim impact statement procedure. In terms of what the DPP proposes to do in relation to the appeal, the honourable member will find that out when the appeal documents or the case stated documents are lodged. It is improper for me to make a comment upon that matter until the matter is resolved in the Court of Criminal Appeal. If it goes one way we may have to do nothing if the provision is upheld, that is, that the accused must be present. If he does not have to be present, we will address the policy question at that time.

Mr ATKINSON: That is what I said yesterday.

The Hon. K.T. GRIFFIN: No, the honourable member did not say that. He did not say that. We will not debate that at much length, but the honourable member was out canvassing the issues in the public arena contrary to the normal and accepted practices.

Mr McEWEN: Mr Chairman, the question and the answer have no relevance to estimates. I wonder whether we could come back to the purpose for which we are here.

The Hon. K.T. GRIFFIN: Mr Chairman, you might be pleased to know that I have finished my response.

Mr ATKINSON: On the question of sub judice, clearly, the Attorney does not understand it. He told Alison Rogers on Radio 5AN that criminal law and procedure was one of his weaknesses, and I suggest that he read—

The CHAIRMAN: I suggest to the member for Spence that I will apply the rules of the estimates committees and require him to point out to me the lines—

Mr ATKINSON: I did on that one.

The CHAIRMAN: I am asking him now to do the same.

Mr ATKINSON: I am still on 5.5, and on sub judice I refer the Attorney to Lord Denning in Wallersteiner v. Moir, from which he will learn a great deal about the principle. The Attorney did not seem to me to answer the question. Is the Attorney saying to the committee that the government of South Australia, representing the people of South Australia, is not going to convey through counsel to the Court of Criminal of Appeal the view of the government of South Australia on this issue, and that instead it is going to leave it to the DPP to decide, on technical grounds, independent of the government? Is the Attorney saying that the government is not prepared to express a view on the interpretation of this important legislation to the appeal court?

The Hon. K.T. GRIFFIN: It is the DPP who is the prosecutor and the respondent in this case. It will be the DPP who presents argument to the court. I intend to have some conversations with the DPP, as is my normal practice in relation to a variety of issues. I will communicate with the DPP, but the honourable member can presume what the DPP presently intends in relation to the case stated. The DPP has argued already that the defendants should be present in court. In terms of what I discuss with the DPP, unless it is a public direction which is required to be tabled in the parliament, I do not intend to communicate that to the honourable member, but I will be talking to the DPP about the issue.

Mr ATKINSON: I have been told that the Office of the DPP is struggling to cope with the number of serious criminal trespass matters, which are now all indictable. Is this one of the reasons that the percentage of trials where the DPP meets the court timetable requirements for the trial list is 89 per cent for this financial year, whereas it is hoped that the figure will be 95 per cent in 2001-02? How does the end of year 2000 result compare with the 2000-01 target and why does the government think there will be a reduction in 2001-02 in the number of serious criminal trespass charges?

The Hon. K.T. GRIFFIN: I am pleased the honourable member was listening earlier to my commentary about serious criminal trespass when we were dealing with the Courts Administration Authority part of the budget. The DPP has indicated that, because of the fact that a larger number of matters are being charged as serious criminal trespass which are indictable cases requiring to be dealt with in the District or Supreme Courts, that has affected the workload in the Office of the DPP. The DPP indicates that those amendments to the law relating to serious criminal trespass are, in the main, responsible for the huge increase in the number of files that have been finalised by the committal unit. The target figure for this financial year was 1 000. However, the estimated result is more likely to be around 1 250.

The comparison of criminal trespass offences shows 321 committal files for the current 10 months of this financial year, compared with 157 breaks, criminal trespass and home invasions in 1999-2000 and a total of 62 in 1998-99. There is also an issue about the Special Police Operations targeting drugs and, more particularly, cannabis, and that is likely to impact on this figure as well. The target for 2001-02 has also been reviewed in the light of the issues to which I have referred. The DPP does expect that the rate of charging for serious criminal trespass will in fact plateau and that—

Mr ATKINSON: Why?

The Hon. K.T. GRIFFIN: He makes that judgment.

Mr ATKINSON: He knows the villains, does he?

The Hon. K.T. GRIFFIN: No. The pattern is unusual when you compare it with the previous year in terms of the charging practices. Charging practices will stabilise—that is what he is indicating. I think that is sufficient in relation to that.

Mr SCALZI: I refer to Output Class 3: Coordination and Advice. One of the highlights for 2000-01 is continued review of criminal procedures including the enactment of drug offence diversion. I understand the Attorney-General introduced amendments last year to provide for a drug

offence diversion scheme. Will the Attorney-General advise the committee on the current progress of the implementation of the drug diversion scheme?

The Hon. K.T. GRIFFIN: The drug offence diversion scheme required some amendments to the Controlled Substances Act. Those amendments have been made but not yet brought into operation. They were required because it provided specifically for these sorts of matters to be directed automatically through the drug aid and assessment panel and provided no flexibility. As part of the COAG initiative in dealing with illicit drugs, it was clear that there would have to be some changes to the way in which diversion programs relating to drug offending would have to be dealt with in South Australia, and that is the reason for the amendments to the Controlled Substances Act.

When the drug diversion program comes into operation, which hopefully will be in the next month or thereabouts, the process involves the police following a pre-established procedure and will be able to refer those who are alleged to have committed drug offences to an appointment service. There will be a 24 hours a day, seven days a week appointment scheduling service. On detection or apprehension of an adult for an offence involving possession or use of an illicit drug other than cannabis (remembering that we have a special program and legislative structure to deal with cannabis) police will contact the appointment scheduling service to obtain an assessment appointment.

Police will then make a direct referral for the alleged offender to attend for assessment at a specified agency under the supervision of the Department for Human Services and the assessment will be undertaken by an accredited person in a locally based agency. Then a program will be set and that will be managed by the treatment service providers. Provided the person satisfactorily complies with the reference, that is likely to be the end of the matter.

There are of course a number of other initiatives being taken in relation to drug offenders. There is the police drug action teams, the drug court operation and within policing Operation Mantle—the pro-active enforcement side of the program relating to our illicit drug strategy—as well as education programs in schools and specialist treatment services and other initiatives through the Department for Human Services.

Mr SCALZI: I refer to the general papers of the budget. Will the Attorney-General advise the committee of the current trends in crime statistics, which are always of interest and concern?

The Hon. K.T. GRIFFIN: We all know that crime statistics fluctuate from year to year and over the years. The important thing is to gain some impression of the trends that have been occurring and not just to react on a year by year or even month by month basis. We know that there are increases in a variety of areas on a year by year basis and some decreases.

I have prepared for the committee a comparison between 1993 and 2000 showing the percentage shifts in the key offence categories in respect of the offences for which comparable data is available in 1993. The statistics show that the figures have fluctuated across the range of comparable crimes. Break and enter (which is now recorded as criminal trespass) fell 7.8 per cent over the past eight years; larceny from a shop fell 29.2 per cent; and criminal trespass in respect of a shop fell 23.9 per cent. Rape and indecent assault fell over the past eight years as did drink driving and related offences, which fell 17.7 per cent.

The total number of robberies fell slightly over the past eight years; homicide fell from 32 in 1993 to 23 last year. Again, with small numbers, it is important to recognise that small movements in the total numbers can result in significant percentage increases or decreases and, in terms of homicide, there are exceptional events, such as those which occurred at Snowtown, which can affect the statistical results for a particular year.

There are some offences which have risen over the past eight years. Motor vehicle theft has fluctuated significantly over that period, peaking in the early 1990s, dropping away and then increasing again, and that is the current position. Dangerous, reckless or negligent driving has increased. Possession for sale and selling drugs and the production and manufacture of drugs and assaults occasioning actual bodily harm and other assaults also rose over that period. Again, whether it is an increase or decrease, it is important to recognise that charging and practices can have a part to play in the final outcome of the bare statistics.

Special proactive action by police can have a bearing. For example, on the south coast and in Port Adelaide we have local service areas and an NDV project in which we encourage people to report actively on domestic violence incidents. We expect that, as a result of that program, there will be an increased record statistically of assaults. One of the major concerns with assaults is that over 78 per cent of assaults upon women were perpetrated by someone known to them. We know also that, in relation to other assaults, predominantly it is younger people who are the victims, and more than 50 per cent (I think) of victims of assault generally know their assailant. That is one of the reasons why we put a lot of emphasis on domestic violence prevention. If we can prevent victimisation (or re-victimisation) in the first place, that plays a significant part in the reduction of crime in the future.

Mr ATKINSON: Hear, hear!

The Hon. K.T. GRIFFIN: I am pleased that the honourable member supports those initiatives which, in my view, are particularly important. The car theft issue, as I say, has fluctuated quite wildly over the past eight years. In recent months I note that the police have been reporting that car theft has been declining. They have particular operational activities which target car theft, as we have in local crime prevention areas specially targeted programs to address the local issues relating to car theft and larceny from a car. A number of issues and programs have been initiated at the national level through the National Motor Vehicle Theft Reduction Council.

In relation to crime figures, whilst some have gone up and others down, I have always made the point—and I adhere to it—that one crime is one crime too many and that we ought to be doing as much as we can to reduce the level of criminal activity. I seek to have inserted in *Hansard* a statistical table relating to the percentage shifts in the key offence categories between 1993 and 2000.

Percentage shifts in the key offence categories between 1993 and 2000

Offence Type	Number of Offences 1993	2000	% difference	
Offences against the person				
Murder	32	23	Down	28.1
Assault occasioning	1 660	1 894	Up	14.1
Other assault	11 583	13 736	Up	18.6
Sexual offences#				
Rape	741	632	Down	14.7
Indecent assault	739	651	Down	11.9
USI#	71	179	Up	152.1
Robbery#				
Armed robbery	489	587	Up	20.0
Other (unarmed robbery)	1 202	1 087	Down	9.6
Property Offences				
Criminal trespass* Dwelling/Burglary/Break Enter dwelling	22 984	21 111	Down	7.8
Criminal trespass* Shop/Burglary/Break Enter shop	5 403	4 111	Down	23.9
Larceny/illegal use motor vehicle	10 307	13 498	Up	31.0
Interfere with a motor vehicle	6 524	4 785	Down	26.6
Larceny from shop	9 328	6 602	Down	29.2
Fraud and misappropriation	7 628	8 399	Up	10.1
Damage property	27 564	37 850	Up	37.3
Select driving offences+				
Drink driving and related offences	6 718	5 530	Down	17.7
Dangerous, reckless or negligent driving	2 141	4 278	Up	99.8
Drug offences+				
Possess/use drugs	1 859	1 677	Down	9.8
Possess drug implement	1 246	762	Down	38.8
Possess for sale/sell drugs	629	853	Up	35.6
Produce/manufacture drugs	655	886	Up	35.3
Offences against good order	21 192	27 511	Up	29.8

\# The relatively small number of offences within these categories means that the calculation of percentage shifts may be misleading, since any small numerical increase will produce a large proportionate change.
* Legislation in late 1999 replaced break/enter offences with criminal trespass offences.
\+ The number of driving and drug offences recorded in any given year is heavily influenced by police enforcement practices.
! Table is based on the range of comparable collected statistics. 1993 was the first year Australian state by state crime statistics were collected and published in one document. The three volume Office of Crime Statistics *Crime and Justice Report* is published between July and September each year.

Mr SCALZI: Those figures are quite comprehensive. Looking at the long-term trends from 1993 to 2000, in many areas there appears to be a decrease. Why is it then that there is a perception in the community that in some of those areas crime has increased and is a serious problem?

The Hon. K.T. GRIFFIN: To be fair, there are increases in criminal behaviour, but it is also fair to say that merely focusing upon the statistical data does not give a true representation of the likely risk of those in the community who fear becoming victims. The important thing is to try to find a balance. The media have an obligation to report, and we do not seek in any way to impede the expression of that responsibility. However, as well as having the freedom to publish, it must be recognised that there is a responsibility.

It is also important to ensure that people take sensible precautions and that we endeavour to attack the level of criminal behaviour from, on the one hand, a perspective of apprehension, bringing to justice and sentencing and, on the other hand, trying to do something constructive for the future which will have the effect of minimising the unrealistically high level of fear that particularly older people have in our community. I say 'unrealistic' not to reflect upon the fact that the fear is genuinely held by many older South Australians as well as younger ones but to relate that to the fact that those who are in the older age ranges in our community are, according to the statistics, much less likely to be victims of crime than those who might fall within the 18 to 24 age group.

The initiatives which the government has taken in relation to police numbers should give some measure of confidence to the community that, at least in relation to policing, the issue is being appropriately addressed with 90 new police officers in the next budget, 113 in the current or previous budget—

Mr HANNA: what about the 1993 levels?

The Hon. K.T. GRIFFIN: It is not just about police numbers; it is about the way in which they are used. As an example, we no longer use police to cart prisoners going to and from court from cells in gaols, watchhouses or police cells. We no longer use them as court orderlies. There are a whole range of functions for which they are no longer used.

Back to the point about the fear of crime, the whole object of the government is to endeavour to ensure that we give proper attention to the fears of the community, endeavour as much as it is possible to do so to address those fears, encourage responsible reporting of incidents and encourage also innovative programs that go to the heart of endeavouring to prevent crime from occurring in the first place. In that objective, police, along with local government and a variety of other persons and groups within the community, cooperate.

I think that they cooperate now much more effectively and fully than they may have done several years ago, if only that the crime prevention program has been demonstrated to work

effectively with the cooperation of police at the local level, but also because police themselves are much more focused on local areas through the local service area structures of police administration and operational activity.

By way of summary, I think it is important to recognise that there is a fear of crime among sectors of our community, that it is obligatory upon all of us to try to keep our comments measured and appropriate, and that initiatives are taken both to properly enforce the laws and to protect the community as well as to prevent crimes through innovative locally based and statewide programs.

Mr SCALZI: I am very much aware of the good work that the crime prevention units are doing, especially in my area. I refer now to graffiti preventive initiatives. I understand that the Crime Prevention Unit in the Attorney-General's department has funded a number of graffiti prevention initiatives. Can the minister advise the committee of these initiatives?

The Hon. K.T. GRIFFIN: Graffiti is always that sort behaviour that causes a great deal of concern within the community because it is highly visible, and many members of the community feel absolutely frustrated that public property as well as private property might be damaged as a result of otherwise unlawful behaviour. The whole object of the government's strategy has been to encourage and to put resources into dealing with the issue at the local level as well as to take statewide initiatives such as those through KESAB, where we are spending money on an officer of KESAB, to deal with issues of retailers as well as other parts of the anti-graffiti program.

At the local level, a number of initiatives are being put into practice. For example, people in the Tea Tree Gully area have a particularly innovative approach to this. Through local crime prevention committee programs, which are run through the Tea Tree Gully council, they conducted an audit of graffiti within their area and they did it street by street. They actually counted the amount of graffiti. I think they measured something like 7.5 kilometres of graffiti in 1998 or 1999. They then introduced a strategy partly of quick removal and, when they conducted the subsequent year's audit, it was found that it had been reduced quite dramatically from about 4 700 incidents to about 1 600. I think that they have just completed another audit and, although I do not have the results at my fingertips, that indicates that the program, unique to that area, has again been more successful than even in the previous year, with a significant reduction in graffiti.

In the honourable member's own area of Campbelltown, there has been a particularly active program of graffiti removal. I was out in that area not so long ago when we had made funds available to local government for the purpose, on a dollar-of-dollar basis, of assisting in either the purchase of graffiti-removal equipment or other innovative programs. Those people indicated to me that their city was graffiti free. It is a pretty bold statement but they were confident that, for all practical purposes, it was graffiti free. The money that went into that grant was part of a $50 000 program that has benefited 19 local government bodies in relation to innovative initiatives to remove graffiti.

We have also put $15 000 into Neighbourhood Watch anti-graffiti grants and that has been used for things like trailers and other equipment to assist in the quick removal process. The KESAB graffiti project has received $62 500, and a variety of other initiatives have been taken at the local level. There is legislation in the parliament to deal with one aspect of that, and that is to give local government more authority to go on to private property to remove graffiti as well as to back up the initiative in relation to the code of conduct for retailers in relation to spray paint cans. That is a pretty quick picture of what has been happening, but not only that but other things have also been happening.

Mr ATKINSON: Before you, Mr Chairman, went to government members, I sought to explain that I was quite wrong when I said the Attorney said that criminal law and procedure was one of his weaknesses. What he actually told Alison Rogers on Radio 5AN was, 'In my years of practice, I didn't feel confident about practising the criminal law.'

The Hon. K.T. GRIFFIN: I am sure the honourable member would have wanted me to be honest about it.

Mr ATKINSON: It is admirable.

The Hon. K.T. GRIFFIN: But the member should not use it against me. He may choose to do so but I thought it was a quite honest and accurate reflection of my days in practice which started in 1963 and, when I came into parliament nearly 24 years ago, I ceased to practise in the area.

The CHAIRMAN: The member for Spence could try to be relevant.

Mr ATKINSON: I will try, but I do not know whether I will succeed. I refer to page 5.13 of the Portfolio Statements, coordination and advice. I understand from the *Sunday Mail* that the Attorney has obtained an award of damages from Radio 5AA for comments by announcer Bob Francis that the Attorney alleges were defamatory of him. Could he tell us what the allegedly actionable words were and how he became aware of them?

The Hon. K.T. GRIFFIN: I am sure that the honourable member is well recognised as a voluntary agent for 5AA and uses the radio station frequently. I am quite delighted that I am still from time to time a guest on 5AA and sometimes the debates are quite challenging, but it is quite useful for the listeners to gain a comparison of views on particular issues. I do not intend to go into great detail about the story in the *Sunday Mail*. An apology was read by Mr Francis on four nights of his show last week and one night this week, and if I read the apology into *Hansard* it might satisfy the honourable member. If he has not been listening to the apology then I am surprised, because I know that he purports to be an ardent fan of 5AA and a constant listener and, if he has not heard the apology, there must be something wrong with the record that he holds himself out to reflect. So, the apology is this:

> On 5 May 2000, I referred to comments attributed to the Attorney-General (Mr Trevor Griffin) in the *Southern Cross* magazine to the effect that the media, and in particular late night talkback hosts, could create fear among their listeners by their discussions and opinions on crime. In response I called Mr Griffin 'a bloody liar'.
>
> He took serious offence at that statement which is defamatory. He also took serious offence at a number of statements made by me on air over the previous three years which he also claims were defamatory. When I called Mr Griffin 'a bloody liar', I intended to convey that I strongly disagreed with the statements I attributed to him in the *Southern Cross*. It has been pointed out to me that some listeners thought I was actually suggesting that the Attorney-General (Mr Griffin) had made intentionally false statements. Any suggestion that statements made by Mr Griffin were knowingly false was not intended.
>
> I unequivocally withdraw the statement that Mr Griffin was 'a bloody liar', and the earlier statements which Mr Griffin alleges were defamatory. At no stage did I intend to embark on a campaign of personal abuse and vilification of Mr Griffin. I apologise for any hurt and embarrassment caused to Mr Griffin. Whilst the Attorney-General (Mr Griffin) and I have different views, I acknowledge and accept that he is a man of his word and that he is entitled to express his view in relation to these matters. 5AA joins in this apology.

I do not think I need to say any more.

Mr ATKINSON: The state government employs five people on salaries of between $25 000 and $30 000 to monitor radio and TV for the government. When this service was first inaugurated, I believe that the Attorney was a member of the shadow ministry that referred to this as 'radio 5DD', that is, radio Don Dunstan. I understand from previous answers you have given in estimates that up to $25 000 is spent on private media monitors by the government each financial year. Is it true that you appended to your letter of demand to Mr Francis 40 pages of adverse comments that Mr Francis had made about you in previous years? How did you acquire these 40 pages of critical comments?

The CHAIRMAN: Could the member explain what particular item line and what relevance it has to the estimates?

Mr ATKINSON: Yes, page 5.13, under 'Coordination and Advice'—monitoring.

The Hon. K.T. GRIFFIN: I am sure that the honourable member is angling to find some way to discredit the response by 5AA and Mr Francis in so far as it relates to me.

Mr ATKINSON: That is not the question.

The Hon. K.T. GRIFFIN: Well, I know where you are going and where you think you are going. Where I got the information about the defamation and alleged defamatory statements is not the business of the honourable member, but a number of people in the community, if pressed, will tell you that they have communicated with me from time to time the nature of the statements made in respect of me and my performance. The honourable member can make his own judgment.

Mr ATKINSON: Does the Attorney feel any fiduciary duty to taxpayers to account to them for the thousands of man hours and dollars spent by public servants and private media monitors paid for by the taxpayer in recording, transcribing and then faxing these years of dreadful reflections on his character by big bad Bob?

The Hon. K.T. GRIFFIN: I know where the honourable member's going. The question does not warrant a response.

Mr HANNA: Public accountability actually.

The Hon. K.T. GRIFFIN: That's rubbish; you know it's rubbish.

Members interjecting:

The CHAIRMAN: I call the committee to order. The member for Hartley.

Mr SCALZI: I refer to the budget papers. I understand that the Attorney-General recently announced that $100 000 in funding would be available for the Domestic Violence Prevention Fund Grant Program. Can the Attorney advise whether the grants have been made, and can he detail the successful programs?

The Hon. K.T. GRIFFIN: With respect to the Domestic Violence Prevention Fund Grant Program, $100 000 in funds has been made available through the Crime Prevention Unit. Three projects have been identified, which are all focused on providing help for the children of domestic violence. The three projects are: South-East Women's Emergency Services, Central Eastern Domestic Violence Service Indigenous Family Violence Intervention and Prevention Program, and the Conflict Management Research Group at the University of South Australia. All the programs, in fact, relate to the needs of children and young people affected by domestic violence in their family.

It is pretty clear that there is an impact upon young people if they have been exposed to or experienced domestic violence, and it is important for us, if we are to do something about that issue in the future, to be able to address the longer term consequences of that exposure, either as victims or as onlookers, to domestic violence. It is surprising that there is a lack of specifically targeted interventions and services to assist children and young people to overcome these effects and to reduce the likelihood that they may reproduce domestic violence in their own relationships.

The grant to Central Eastern Domestic Violence Service Indigenous Family Violence Intervention and Prevention Program will employ a project officer for 12 months to train young indigenous people as peer educators to run workshops with other young indigenous people who have experienced family violence about preventing it in their future relationships. The Conflict Management Research Group's project will provide a range of agencies and community organisations to develop resource kits designed to work to help children and their families. Domestic violence workers will be trained in using the kits, and the kits will be used to assist children who have experienced domestic violence.

The third grant, to the South-East Women's Emergency Services (and Mr McEwen will be interested to note that this goes to this organisation), is to be used to work with children who have been exposed to domestic or family violence on both an individual basis and in small groups, as deemed necessary in each case. Local primary schools will be targeted for information and special assistance as part of the long-term strategy. It is intended that those programs will be evaluated. It is expected they will run for about a year and then the evaluations will be made.

Mr MEIER: I note that, in the section on output classifications in relation to preventative services, one of the highlights for 2000-01 refers to the provision of country services for victims of crime. Will the Attorney-General advise the committee of the services to be provided to victims in regional areas, and when will the services be available?

The Hon. K.T. GRIFFIN: The extension of the victim support services to five regional areas of the state is of particular importance, because the review which the member for Spence earlier referred to indicated that it was an established fact that in country areas there was a lack of adequate support for victims of crime. There will be an extension of the program to Port Augusta-Whyalla, Port Lincoln, the Riverland, Mount Gambier and Port Pirie, and two of those will be operational if not by the end of this month then certainly early in July, with a view to the Victim Support Service running those programs.

We will also continue with initiatives such as toll free numbers. We have provided to victims of crime a most significantly revised victims' information booklet, which has been well regarded internationally as well as nationally and in the state, and other information which makes victim services much more accessible to those in not only the rural areas of the state but also in metropolitan Adelaide.

The program coordinator for the regional services has been appointed by the Victim Support Service. A management committee has been established to oversee the program. Port Pirie and the Port Augusta-Whyalla services are expected, as I said, to open in July this year, and we expect to have the remaining three services up and running by the end of this year. The costs of that total about $1.1 million over four years. That is quite a substantial increase in the funding levels to Victim Support Service to enable it to undertake this project.

Mr MEIER: I thank the Attorney for that. I was going to follow through with the victims' booklet, but the Attorney has

touched on that, and I am sure that people are able to read it for themselves. With respect to the Local Crime Prevention Committee programs issue, which is in output class 1 under Preventative Services, I note one of the targets for the 2001-02 year is as follows:

> Maintain the local crime prevention program to a number of areas and work collaboratively with agencies in other sectors to develop problem solving approaches to relevant crime issues.

I understand that the Attorney recently announced funding of the Local Crime Prevention Committee program managed by the Crime Prevention Unit for a further three years. Will the Attorney advise the committee of the funding and the form that the program will take?

The Hon. K.T. GRIFFIN: In relation to the early part of the honourable member's question with respect to the victims, I will refer briefly to the victims of crime booklet. That is available on the internet, and it is important for the purposes of accessibility that it is available in that format as well as in the printed form. Police are particularly active in making this information and this booklet available to those who are victims of crime. A victim services map (which fits in an officer's pocket) identifies all the services that are currently available to victims of crime for ease of access and ready provision of information to victims.

In relation to the Local Crime Prevention Committee program, we have been funding that on a three year basis, to give some certainty. Previously, it was funded on a year by year basis, and that was demonstrated not to have given any particular continuity to the program. It certainly did not establish any career paths for crime prevention coordinators or others working in the area, and it presented some uncertainties for local government. We moved to triennial funding three years ago, and we have since found that this has been well received by local government, which is adding value to the Local Crime Prevention Committee program and is supporting it. The coordinators are now engaged through local government, and we find that, partly because of that but also for other reasons, local government is becoming more aware of the need to take initiatives in relation to the prevention of crime at the local level.

Recently, in the last week or two, I announced that, in so far as the local crime prevention committee program for the next three years is concerned, we propose to offer funding to 18 locally based crime prevention programs. They will cover 21 local government areas—Adelaide, Campbelltown with Payneham, Norwood and St Peters; Charles Sturt; Gawler with Playford; Holdfast Bay; Marion; Mount Gambier; Murray Bridge; Onkaparinga; Port Adelaide Enfield; Port Augusta; Port Lincoln; Port Pirie; Salisbury; Tea Tree Gully; Unley with Mitcham; West Torrens; and Whyalla.

In addition, there will be work at the local level supported by the Crime Prevention Unit, and particularly project support being provided in the areas of Ceduna, Coober Pedy, Renmark, Berri-Barmera, Victor Harbor, Prospect, Walkerville and Burnside. They will not have funding for full-time coordinators, but project officers working from the Crime Prevention Unit will work in conjunction with them.

It is quite clear that working in this way through local government is a particularly productive way of dealing with crime prevention. There are many examples of programs that have been run at that level, all of which are working with both communities and police and working on problems identified at the local level as being of major concern, with some pretty innovative approaches.

For example, in Ceduna the Bush Breakaway Youth Action Program deals with offending by Aboriginal youth and those considered at risk of offending. In Gawler the Developing Crime Prevention Through Environmental Design Principles and Strategies is focused upon the Evanston Railway Station and how to make that a safer environment. There are many examples, which all add to a feeling of confidence in the community that they have more control over this than previously they believed they had.

Membership:

Ms Rankine substituted for Mr Hanna.

Mr ATKINSON: I again refer to page 5.13. It is clear from the Attorney-General's refusal to answer my previous question that he has used taxpayers' money and public employees to amass 40 pages of evidence for a private civil suit against Radio 5AA and that he has put the whole $60 000 in his pocket without paying for the services provided to him by the public. This arouses a strong suspicion that the Attorney-General has acted improperly.

I put to the Attorney-General again: does he feel any fiduciary duty to taxpayers to account to them for the cost of thousands of man hours and dollars spent by public servants and private media monitors recording, transcribing and then faxing the allegedly defamatory words of Radio 5AA announcer Bob Francis—that is, to pay the cost of the services provided to the Attorney-General for him to make a profit in his private capacity?

The Hon. K.T. GRIFFIN: The questions are offensive, and by no means is it clear, as the honourable member asserted in his opening sentence about this issue—

Mr Atkinson interjecting:

The Hon. K.T. GRIFFIN: I am not going to answer you directly. Mr Chairman, I have not yet received any money. What I do with that money—

An honourable member interjecting:

The Hon. K.T. GRIFFIN: I haven't; and what occurs with that money will be an issue that I will address at the appropriate time. I do not have the funds at this stage: full stop.

Ms RANKINE: I refer to page 5.2 and the Strategic Context comments where the Attorney says:

> Other officers such as the Public Trustee, the Commissioner for Consumer Affairs and Equal Opportunity Commissioner, the Ombudsman and the Electoral Commissioner support the rights of South Australians.

On the basis of that comment I would like to ask a question in relation to the operations of the Public Trustee. As I am sure you will recall, I have written to you in relation to a specific case involving one of my constituents (and I will refer to him as Mr P). As I understand it Mr P has been a resident of the Hampstead Centre for in excess of 40 years and his sole source of income is a federal pension.

Some time ago new guardians were appointed. The Public Trustee has administration of his income and the new guardians questioned a number of charges levied by the Public Trustee. This person has $26.56 taken from his pension every fortnight to administer his funds—that is, to conduct two transactions: one to the Hampstead Centre and one to give him some pocket money. An annual fee of $100 is taken by the Public Trustee for administration and audit. That amounts to $790.50. He was having $54 a year taken out for ambulance subscriptions, and also an additional fee of $30

to prepare his accounts for taxation. I understand that the issue of the ambulance fee has been resolved.

In relation to the other clients residing in government funded health facilities, can the Attorney say whether they are required to pay ambulance fees when, if they are ill, they are transferred from one health service to another? If the Attorney's figures in response to my question are correct, I deduce that the Public Trustee manages the income of 1 520 people whose sole source of income is the pension. Over $1.247 million is taken out to administer the accounts, and the $30 fee amounts to over $45 000.

Can the Attorney say what the Public Trustee is doing for that money? I would have thought that $790 a year is a fair amount of money to administer a pension only—to make two transactions a fortnight. I would have thought that with an audit fee of $100 you would have been able to assess whether a taxation return was necessary. When I wrote to the taxation office specifically about this case it responded as follows:

> Mr P does not have a tax file number. This office does not require Mr P to lodge income tax returns yearly as his income is below the tax free threshold. As Mr P does not have a tax file number there is no requirement to advise this office returns are not necessary to be lodged. There is no requirement for the Public Trustee to advise the Australian Taxation Office that income tax returns are not required to be lodged.

If I understand the Attorney's correspondence to me, he was alluding to the fact that there is a requirement to prepare accounts whether or not a taxation return is lodged. Surely if you have two transactions a month it is a matter of pulling up a computer file to determine that. The taxation department does not want to know. You are already charging them nearly $800. Why the extra $30 fee? Why the extra $45 000 a year?

The Hon. K.T. GRIFFIN: I am not charging it. Let's be sensible about it. The Public Trustee is a statutory body. I do not recollect all the detail. I will take on notice the issues raised and ensure that there is an appropriate response. When did the honourable member write?

Ms RANKINE: I wrote to the Attorney in October last year. I received a response in November and I lodged a question on notice to the Attorney to which I received a response in the last few sitting weeks. Basically, the Attorney gave me the figures in that response but, again, reiterated that there was a legal requirement to do that and, as I said, at $800 a year they are getting a fair cop without the extra $30.

The Hon. K.T. GRIFFIN: I do not recollect the correspondence, which was written over six months ago. With respect to the question on notice, I would undoubtedly have signed it off; but it is a fair enough question for information and, if the honourable member will bear with me, I will ensure that the issues are followed up and I will make sure that there is an appropriate response.

Mr ATKINSON: I refer to page 5.13 of the Portfolio Statements where, in reference to targets for next financial year, it states, 'continuing to review developments in forensic procedures used in criminal investigations, especially the taking of DNA samples'. I am wondering whether the Attorney intends to bring South Australian law into line with that in New South Wales whereby most, if not all, prisoners are required to provide a DNA sample and, in particular, why should Bevan Spencer Von Einem not be required to give a DNA sample?

The Hon. K.T. GRIFFIN: Part of the delay in getting legislation drafted has been the result of delay in getting the commonwealth legislation in place. It is intended that there be legislation which updates South Australia's legislation. South Australia's legislation came into effect on 25 July 1999. That followed the Criminal Code Officers Committee Draft Model Bill which, as I recollect, has been implemented in a number of other jurisdictions: Victoria, the Northern Territory and at the commonwealth level. Subsequently, the concept of Crimtrac was developed and we took the view that once the commonwealth had enacted its legislation—not knowing finally until it had got through the federal parliament what the format would be and then the regulations which supported it—we would then review our legislation.

It is correct to say that there are now some disparities between the federal and the South Australian model. What we are likely to do in relation to the testing of prisoners (but this has not been finally resolved) is that all those convicted of serious offences who are in prison will be required to provide forensic material for the purpose of—

Mr ATKINSON: Whenever they were sentenced?

The Hon. K.T. GRIFFIN: Yes, whenever they were sentenced. Again, it is quite a proper question but the answer is that, hopefully, we will have legislation available before the end of the session. At least then those who have an interest can consider it over the break and we can enact it quickly after that.

Membership:

Mr Hanna substituted for Ms Rankine.

Mr SCALZI: I understand that the Attorney-General recently announced increasing funding for the Legal Services Commission. Will the Attorney advise the committee of details of the funding?

The Hon. K.T. GRIFFIN: I think that we have a pretty good record in relation to legal aid, and yet more funding is provided in the current budget. That is, partly, likely to be absorbed in a review of legal practitioners' rates. A review took place last year as a result of provision in the budget last year and it is likely to be further reviewed by the Legal Services Commission. This current budget has a provision for an extra $1 million in funding to the Legal Services Commission. Last year it was an additional $500 000—that is the current financial year. The previous financial year had a provision for an extra $1.7 million.

The amount that the state government will be putting into the Legal Services Commission in 2001-02 is $9.4 million, which will represent a 160 per cent increase in funding since 1993-94. State government funding for legal aid is now $6 million a year higher than in Labor's last year in office. In the four years since 1997 the Liberal state government has provided $31.7 million in aid. In its last four years in office Labor provided only $10.4 million, but I must hasten to say that I do not purport to give this state government's four years of funding the same basis of comparison as the last four year's of Labor—we do not intend this to be our last four years in office.

Mr Hanna interjecting:

THE Hon. K.T. GRIFFIN: No. I have already addressed that issue in case anyone thought to get funny with—

Mr Hanna interjecting:

THE Hon. K.T. GRIFFIN: I never know. I give you some credit for being on top of it. Demand for legal services has remained high. We do have a number of very expensive cases and they are not funded as part of the $31.7 million in the last four years—they are extra. The bodies in the barrel case, for example, is quite an exceptional expense to the state for which extra provision has already been made in the

budget. The Legal Services Commission provided more than $78 000 direct advisory services during the last year, which included 23 400 face-to-face interviews, almost 55 000 telephone interviews and legal aid applications also remained at a high level with almost 16 000 applications of which more than 82 per cent were successful. The record, I would suggest, is quite a significant record in providing assistance to those genuinely in need where they do need legal assistance through the Legal Services Commission.

Mr SCALZI: Will the Attorney-General provide details of the level of services provided by the Legal Services Commission to unrepresented litigants and indicate whether the number of unrepresented litigants in legal matters is increasing and what impact the Criminal Law (Legal Representation) Bill will have on this?

The Hon. K.T. GRIFFIN: I made some passing reference to the Criminal Law (Legal Representation) Bill earlier in the day, particularly in relation to issues of readiness for trial. This bill will in fact provide a means by which we can reduce if not eliminate that delay in criminal matters. It is quite a significant piece of legislation. The extent to which there are unrepresented defendants who are in the category of having their legal fees exceed or likely to exceed the Legal Services Commission's cap means that, unless we want to leave these defendants with stays of proceedings so they will never be brought to justice for their alleged crimes, the state has to pick up the tab.

In the current budget is provision of $250 000 for expensive cases as a reserve against claims in cases like Karger, Grosser and others, where the costs of running the trials are really very high. That is on top of about $1 million we put aside in the current financial year for expensive cases in addition to the bodies in the barrel case. It is an expensive and extensive commitment that must be made if ultimately these persons are to be brought to trial.

Additional Departmental Adviser:

Mr M. Bodycoat, Commissioner for Consumer Affairs.

Mr SCALZI: I refer to the general budget papers. Will the Attorney advise the committee of the outcomes of the disciplinary matters and prosecutions handled by the Office of Consumer and Business Affairs in the past 12 months?

The Hon. K.T. GRIFFIN: An extensive program of compliance has been undertaken by the Office of Consumer and Business Affairs. An example of those that have actually been resolved under the Building Work Contractors Act is Robert Noel Speck, who was convicted in May this year on 10 counts of unlicensed and poor building work and holding himself out as being a licensed builder. He was fined $10 000. Under the Security and Investigation Agents Act Alexander Worthington was prohibited from taking part in the industry for 10 years, and that followed an assault on a patron at The Planet and also for working unlicensed for 10 months. That occurred in July 2000.

Under the Second-Hand Vehicle Dealers Act, Herbert Kniesberg in November 2000 was fined $3 000, was disqualified from holding a licence and prohibited from being director of a second-hand motor vehicle dealing company and from being employed in the industry because he was holding himself out as a second-hand vehicle dealer whilst being unlicensed. Under the same act was a Richard Wisniewski. He was fined $4 000 for holding himself out as a second-hand vehicle dealer whilst being unlicensed.

Over the past year the Office of Consumer and Business Affairs has taken action against a number of licensees under the licensing regimes it administers. There have been 14 licences cancelled or surrendered through the court process. The current approach to enforcement (and this has been the approach since 1997) is to use education to terminate conduct and prevent further breaches. Written and oral warnings are issued, unlicensed traders are encouraged to become licensed, assurances under the Fair Trading Act 1987 are obtained, disciplinary action is taken against licensed traders and prosecution action is taken. It depends on the circumstances which of the particular courses of action might be followed.

There has been a steady amount of disciplinary action and prosecutions taken by the Office of Consumer and Business Affairs, all directed towards ensuring a higher level of accountability by those who hold themselves out as being licensed tradespersons. Most of these are not licensed or if they are licensed are not conducting their business in accordance with the terms of their licence.

Mr ATKINSON: I refer to the consumer affairs section. The ACT government recently announced a $30 million rescue package for victims of the HIH collapse, including those with builders' warranty claims. This means that every state government except South Australia is now supporting a rescue package for victims of unfulfilled builders warranty claims as a result of the HIH collapse. The opposition has been informed by a major builders' warranty insurer that, the first year that home owners warranty insurance policies are taken out, just over 20 per cent of non-completion claims are made and only 1 to 2 per cent of warranty claims. In the second year 80 per cent of non-completion claims has been made but fewer than 20 per cent of warranty claims have been lodged. By the third year over 90 per cent of non-completion claims have been made but only 40 per cent of warranty claims have been lodged. By the fifth year about 75 per cent of warranty claims have been lodged and it is not until the seventh or eighth year that all non-completion or warranty claims have been settled.

This means that the exposure of some home owners to the failure of HIH Insurance may continue until the end of the decade. The Attorney told parliament on 7 June:

> The information is that so far there are about 12 property owners who could be affected. There is no indication as to the extent of the problem which they currently face.

Insurers have estimated that about one in three builders in South Australia were covered by HIH prior to its collapse. Will the Attorney provide a more accurate estimate of the number of builders covered by HIH and the number of domestic construction projects subject to HIH policies? If he cannot provide this information, can he explain how division 3 part 5 of the Building Work Contractors Act is enforced?

The Hon. K.T. GRIFFIN: I will make a few comments and then ask the commissioner to add his comments. It is not correct as I understand it that any more than New South Wales and Victoria (and I think the ACT) have made some provision for meeting claims with respect to HIH. We have to recognise that in those jurisdictions there was a higher level of exposure because of the different coverage of their schemes as opposed to South Australia's coverage. In addition HIH was much more active in the eastern States than in South Australia.

Mr ATKINSON: That would make it less costly for the government to act.

The Hon. K.T. GRIFFIN: At this stage we are not making a commitment.

Mr ATKINSON: We know that.

The Hon. K.T. GRIFFIN: The Treasurer has been making statements about this as much as I have been, and the government as a whole has taken the view that this is a private sector collapse and that we will monitor what happens in other jurisdictions as well as in South Australia. It raises some fundamental questions about the extent to which the government and taxpayers ought to be funding the consequences of a private sector collapse. We are certainly not doing it with One.Tel and its collapse and the effect it has on communities—perhaps in individual cases a much smaller level of impact than the HIH collapse—nor do we as a government pick up the consequences of other private sector collapses.

But we are concerned about the HIH collapse in so far as it relates to individual home owners who will suffer as a result, and it is a question of continuing to try to identify the extent of the problem in this state. We have not yet been able to get even a better impression about that than a detailed analysis, partly because the liquidator has all the papers and individual builders have not been required to report to the government on whether or not they have insurance in particular instances. So, it is still very much in a state of obtaining information before determining what course of action, if any, the government should take. But it is not something which is on idle. As much as it is possible to do so, we are actively monitoring the situation. I will ask the commissioner if he would like to make any additional comments about that issue.

Mr BODYCOAT: In relation to the enforcement of the requirements for building indemnity insurance in the Building Work Contractors Act, enforcements have been undertaken by prosecution where instances of failure to obtain building indemnity insurance are brought to the attention of OCBA. We would expect those to come to our attention most commonly through reference from either another government department, a local council or by complaint from a consumer. As to the figures relating to the life of a potential claim, I am not in a position to be able to comment in respect of those except to observe that, under the Building Work Contractors Act, the liability of the builder is limited to five years from the date of contract.

Mr ATKINSON: What action has the building industry, and in particular the MBA, requested that the government take to resolve the issue of builders' warranty insurance, and what is the government's response to these requests?

The Hon. K.T. GRIFFIN: To be fair, the Master Builders Association has sought to see me on several occasions and I have acceded to its wish, and I will be seeing the HIA shortly. I think the difficulty they have is that they cannot identify what they want us to do. They have drawn to our attention what the issues are. They have not proposed, as far as I can recollect, any concrete scheme, except they have asked, 'What can the government do?' Ultimately, if the government is to establish a scheme which helps to meet the problems of those who suffer as a result of the HIH collapse, it is a question of who pays.

Does it come out of the consolidated account so that all South Australians pay for the consequences of the private sector collapse? Is it by levying to establish a particular fund and, if so, is that levied on all those who are building but who are doing so through builders who have already taken out cover and are passing on the costs to their customers? Or is it done by levying builders directly? If so, should those who have taken a prudent course be paying for those who have relied on other advice and perhaps have taken a cheaper option?

There is no doubt that HIH was offering lower premiums than other insurers—at least, that is the information that I have. So, there are all these very difficult policy questions which have to be answered. I must say that the building industry has not come up with a scheme which would identify which of these solutions, if any, might be the preferred one. In any event, I think the Master Builders Association has encouraged its members to take out fresh insurance so that, at least in respect of current building work, they are able to continue their activities with valid insurance cover.

The Commissioner reminds me that the MBA raised the question of builders who have started work but their insurance has failed and they cannot quickly get other insurance. I think it is more than likely in that context at least that we will find some means of waiving the requirement for insurance cover in the intervening period or, alternatively, the government will issue cover notes. This will mean, of course, that the government will have that continuing liability for the next five years or at least for the period for which it issues the cover notes. That is the state of play at the moment. This is a particularly difficult issue to resolve in the context to which I have referred.

Mr ATKINSON: How will the hotline established by the government help those homeowners who may need to make a builder's warranty claim in the future, given that many of those homeowners may not even be aware that their policy is now void; will any attempt be made by the government to inform potential claimants of their exposure under HIH's builder's warranty proposals; and will any attempt be made to encourage such potential claimants to register with the hotline?

The Hon. K.T. GRIFFIN: I will ask the Commissioner to respond to that question.

Mr BODYCOAT: The objectives of the hotline are, first, to gather information about the numbers of claims and the identities of claimants; and, secondly, to provide information to those claimants about the options open to them and the position in which they find themselves. One option is the ability to reinsure if they can find appropriate alternative insurance. This is not limited to building indemnity insurance but, if one of the options open to a claimant is to register with the commonwealth HCS scheme, they will be so advised.

If there are further developments which would enable OCBA to offer further assistance to any of those claimants, then OCBA will do so, because their details have been gathered and stored and there will be regular liaison with those people to advise them about developments in relation to their rights and entitlements.

Mr MEIER: I refer to hydraulic weighing instruments. I understand that OCBA has been undertaking a campaign regarding the unapproved tractor suspended hydraulic weighing instruments being used in the garden landscape industry. Will the Attorney advise the committee on this initiative?

The Hon. K.T. GRIFFIN: This may be a somewhat obscure issue, but I think it is important. There are about 100 of these tractor suspended hydraulic weighing instruments in use, and the overall figure could increase to 150 if country regions were also surveyed. These are unapproved hydraulic weighing instruments, which are being used for the sale of sand, metal and other garden landscape material. They consist of a hydraulically operated gauge attached to the lifting arm of a tractor operated bucket. The tractor can be driven to any

area of the trading premises to load product into the bucket. The driver is able to read the mass value indicated on the gauge whilst moving around the premises.

They are not approved by the National Standards Commission for trade use because of inaccuracy and poor overall performance. Therefore, they do not comply with the requirements of the Trade Measurement Act and they should not be used for trade. If they are used for trade purposes, that constitutes a breach of section 7 of the act and a prosecution might be forthcoming against the user.

The instruments have been used by garden suppliers particularly over a number of years. I think they opted to use them because of the low price and as opposed to the purchase of a platform scale or weighbridge. The alternatives are to install a weighbridge of 30 tonne maximum capacity or to purchase a platform scale for smaller premises up to a 3 tonne maximum capacity or to manufacture a capacity measure in the form of a bucket attached to the front of a tractor for sales by volume. These are approved for capacities ranging from .2 cubic metres to 5 cubic metres.

The Commissioner for Consumer Affairs is undertaking the following course of action. All garden supply and landscaping premises will be visited in relation to the use of hydraulic weighing instruments and other approved instruments. Peak instrument bodies are being advised of the initiative and the requirements under the act. There will be an education process for traders who will be given comprehensive details about alternatives. All offending traders will be given written notice not to use unapproved measuring instruments for trade. A moratorium until July 2002 will be given to all traders to provide alternatives to the use of hydraulic gauges and other unapproved instruments provided the sale does not result in short weight.

This is all about consumer protection. It might seem a bit harsh from the point of view of the proprietors of these businesses but, in the end, it is the consumer who suffers. Obviously, the proprietor of the business will, too, if the proprietor is giving overweight measure, but it is particularly important for consumers who are given underweight measure. Therefore, this program will be in operation for the next 12 months.

Additional Departmental Adviser:

Mr B. Pryor, Liquor and Gaming Commissioner.

Mr SNELLING: Minister, you would be aware of the story in this morning's *Advertiser* about an inquest being held in Melbourne where a 15-year old boy died having drunk a bottle of a food additive that is known as vodka essence. If this essence is being sold in South Australia, and I understand that it is, does it have to be sold by someone holding a liquor licence or can it be sold legally, as I understand it is, in continental delicatessens and the like?

The Hon. K.T. GRIFFIN: In a moment I will invite the Liquor and Gaming Commissioner to make some observations on the issue. Since the story appeared, we have been trying to piece together the facts, but in South Australia we addressed the issue of alcohol-based food essences at the beginning of 1996. We made a regulation extending the definition of liquor for the purposes of the Liquor Licensing Act to include alcohol-based food essence. Members might remember that there was a bit of a debate even at that stage about young people mixing food essence with coke and a variety of other drinks to beef up the alcohol content.

We have a definition of alcohol-based food essence as a food-flavouring preparation which contains more than 1.15 per cent alcohol by volume and which is packaged, in the case of vanilla essence, in a container of more than 100 millilitres capacity, and in any other case in a container of more than 50 millilitres capacity. That means that, so far as South Australia is concerned, alcohol-based food essences produced in 375 millilitre bottles can be purchased only from licensed venues. Because they can be purchased only from licensed venues, they cannot be purchased by minors. That does not mean that minors will not get access to them. There is a limit to the capacity of the law to constrain that sort of behaviour, but there are significant restrictions on them already. I invite the Commissioner to comment.

Mr PRYOR: The only thing that I would add is that, subsequent to that regulation coming into force, the Australia New Zealand Food Standards Code has now issued a standard for the labelling of alcohol-based food essences, and that came into effect in June this year. That requires that all alcohol-based food essences must have a label that clearly shows that it contains X per cent of alcohol. My office, in conjunction with the health authorities, will conduct a campaign and we will go around to all retail liquor merchants to ensure that the product on their shelves complies with this. We suspect that, because this came into effect only in June, there will be some old stock and we will require that stock to be labelled accordingly.

Before the regulations came in, I would get occasional phone calls from members of the community who were concerned about the issue of minors getting access to the 375 ml essence. Since the regulations came in, I am not aware of any complaints and I am not aware of the police referring any matters; yet, before, for the Commissioner of Police the areas of Port Pirie and Port Augusta were a significant concern. I am not saying it is not being abused, that adults are not purchasing it, but it would appear that the regulation has been successful.

Mr SNELLING: Is the minister still considering the abolition of the Licensing Court? Why was that being considered and for what reason has the minister changed his mind on this issue?

The Hon. K.T. GRIFFIN: A discussion paper was circulated, so there was no secret about us considering what should happen with the Licensing Court, remembering that, in 1997 when we brought new licensing legislation into the parliament and subsequently into effect, I indicated that issues such as the structure of the licensing jurisdiction were not being immediately addressed, and neither was the competition policy issue about the need criterion. Obviously the need criterion is still a live issue, but it is something that is not the highest of priorities in terms of a government review of liquor licensing law.

The honourable member might remember that, when we brought the 1997 act into operation, we sought to streamline the processes to give us more flexibility in relation to the matters that should be licensed, that the number of the categories of licence be reduced, and we made more of the processes administrative rather than court based. A number of licences which previously had been matters that could be dealt with in the court were removed to the Commissioner and were dealt with administratively rather than, as I said, judicially. Partially in relation to the need criterion, the competition policy agreement requires governments to review those sorts of restraints on trade at some time during the course of the operation of that agreement, when it requires all

legislation to be reviewed. That is something that will have to be done at some time.

In relation to the structure and processes required to be followed by the Liquor Licensing Act, my concern in relation to the Licensing Court is that we all wonder whether or not it has out-served its usefulness, because the number of matters that go before it are limited. Its origin was really at a time in the history of the state when it was used, essentially, for the purpose of dealing with contentious issues of local option polls, I think, and also with fees. It was always believed that licensing fees could be collected without suffering criticism under the constitution by imposing them as fees of court. Of course, we now know that the High Court has decided that liquor licensing fees based on turnover are duties of excise—or, at least, likely to be duties of excise and, therefore, unconstitutional.

Mr ATKINSON: A tragedy.

The Hon. K.T. GRIFFIN: The member for Spence says 'a tragedy', and I think all the states would agree with that, because it seriously compromises the capacity of the states in a sensible way to raise revenue—although it is now, of course, being undertaken at the commonwealth level, but in a somewhat different form, and reimbursed to the states. So, we reached the point of putting out a discussion paper, which sought to set up a totally administrative structure to deal with those matters where need was still a criterion. There was objection to that from the Licensing Court judge, from legal practitioners and, I think, from some industry representatives. As a result, my Liquor Licensing Review Working Group has met several times to consider the best way in which we can advance the debate.

One way of doing that, which we are currently considering (and there did not seem to be any objection from the industry in relation to that) was to vary the processes so that, rather than having appeals from the Liquor and Gaming Commissioner to the Licensing Court, we would have appeals to the Supreme Court. And they would be in exactly the same format, so that there would be less of an incentive for those who sought to object to go to the Licensing Court rather than having the matter dealt with expeditiously by the Liquor and Gaming Commissioner with an ultimate right of appeal.

I have been working this through with my Liquor Licensing Review Working Group and with members of the legal profession with a view to finding some means by which we can move more of the framework of licensing across to the administrative side rather than merely focusing upon a number of issues being resolved judicially. There will shortly be some further proposals amplifying what I have already explained as an alternative, which will be the subject of further consultation.

One of the issues at the moment is that there may well be some forum shopping, and we want to avoid that, if at all possible. But I recognise that, whilst the need criterion is part of the law, it has to be dealt with in a way that satisfies both the needs and the perceptions of those in the licensing community who might have a view about it. I know that the Licensing Court judge has very strong views about the value of the court. He thinks that he is being targeted personally, and that is as far away from the truth as one can get. But, as Attorney-General and Minister for Consumer Affairs, with a point of view that we ought to try to streamline the processes as much as possible and make them as flexible as possible, I intend to pursue the issues but in a consultative fashion.

Mr SNELLING: To expedite the business of the committee, I will waive my right.

The CHAIRMAN: As there are no further questions, I declare the examination completed.

Additional Departmental Adviser:

Ms L. Matthews, Equal Opportunity Commissioner.

Mr SCALZI: I have one question in relation to age discrimination. I refer to output class 1, Preventative Services. One of the highlights for 2000-01 is the launch of the Age Discrimination Report 2001, which highlights areas of discrimination with respect to older people. Will the Attorney-General advise the committee when the report was released and what action will be taken on the report?

The Hon. K.T. GRIFFIN: There was a report called Age Limits that was launched in March this year. It investigates age related discrimination and employment affecting workers over the age of 45 years—most here would probably be affected one way or another by that. It was jointly sponsored by the Victorian, South Australian and Western Australian equal opportunity commissions and the Australian Employers Convention, because age discrimination is still prevalent, largely undisclosed or hidden, and has a compromising effect on the capacity of older people, particularly, to gain either employment or participate in other activity. Age discrimination is also relevant in relation to young people, but this focused upon older people. I will ask the Commissioner to make any additional comments that she may wish to make.

Ms MATTHEWS: Since this report has been launched, we have been talking with a number of different agencies, particularly recruitment consultants in South Australia, to try to inform them as much as possible about age discrimination and the steps that they can take to alleviate it. We also have met with the Australian Institute of Management and have convened a group of stakeholders representing the major groups dealing with age related issues. We will certainly continue to work as hard as we can to make sure that every sector of the community understands their rights and obligations around age discrimination and knows what they can do about it.

Mr ATKINSON: What is the total number of complaints received by the Equal Opportunity Commission for 2000-2001, compared with that very vital year of 1993? How many of these complaints proceed to tribunal or mediation stage? You had the 1993 figures readily available on crime statistics.

The Hon. K.T. GRIFFIN: These others will be readily available also, but not quite as readily available. I will make sure that we respond promptly to the question. Can I make just a couple of general observations about that, because there is a very strong emphasis upon trying to conciliate complaints and to bring them to finality quickly. I think that would reflect some differences in the numbers between even a couple of years ago and the current position.

The Commissioner has taken a particularly strong initiative to resolve issues at an early stage, and if they cannot be resolved, to make a decision that that is the case and allow matters to go off to the Equal Opportunity Tribunal. I think the figures will demonstrate that the time taken to finalise complaints has in fact now reduced significantly from well over 12 months in previous years to fewer than eight months in 2000-2001. Currently 70 per cent of cases are finalised within six months. I think that is a particularly important development for those who either make complaints or have them made against them. I will ask the Commissioner if she wishes to make any further comment.

Ms MATTHEWS: In relation to how many go to the tribunal, it has remained consistent over many years. Fewer than 5 per cent end up in the Equal Opportunity Tribunal.

The Hon. K.T. GRIFFIN: I will undertake to get the full answer to that question promptly.

Mr ATKINSON: How many complaints officers are presently employed by the commission, compared with those in 1993, and what is the present case load per complaints officer compared to 1993?

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

Ms MATTHEWS: I can partially answer that. The case load of officers now is about 30 cases per officer, but those who conduct cases do other work in the commission as well, so that is only part of their role.

Mr ATKINSON: Would you be able to get those 1993 comparisons?

The Hon. K.T. GRIFFIN: I think there will be a sterling effort to endeavour to obtain that information for the honourable member.

Mr ATKINSON: I have been advised that, when a complaints officer receives a call from a member of the public wanting to discuss a complaint, the complaints officers apparently send the complainant a form and say that that will have to be filled in before the complaint can be progressed. That is an administrative provision not required by the act. If that is correct, does it not serve to discourage potential complainants?

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

Ms MATTHEWS: The Equal Opportunity Act requires that complaints have to be in writing. The reason that a form is sent out is just to make it easier for complainants to do it. My officers also invite potential complainants to come in if they need assistance. They are also told that they can write a letter. They do not have to use a form. It turns their mind to the requirements of the act, so it is easier to use the form.

South Australian Police Department, $9 857 000
Administered Items for South Australian Police Department, $3 343 000
Minister for Police, Correctional Services and Emergency Services—Other Items, $1 716 000

Witness:

The Hon. R.L. Brokenshire, Minister for Police, Correctional Services and Emergency Services.

Departmental Advisers:

Mr M. Hyde, Commissioner of Police.
Mr D. Patriarca, Director, Corporate Services.

Membership:

Mr Koutsantonis substituted for Mr Hanna.
Mr Conlon substituted for Mr Atkinson.

The CHAIRMAN: I declare the proposed payments open for examination. I refer members to page 15 of the Estimates Statement and Volume 1, Part 5 of the Portfolio Statements.

The Hon. R.L. BROKENSHIRE: At this time of the year during the Estimates Committees, and particularly this year given that it is the International Year of Volunteering, I would like to place a few important words on the public record about what is happening in my portfolio. I particularly thank the people who allow the community of South Australia to go about their business in a safe and secure way 24 hours a day, 365 days a year.

There are tens of thousands of volunteers across Emergency Services, the CFS, SES, Surf Lifesaving, Marine Rescue, the South Australian Ambulance Service, and the list goes on. There are also the volunteers who support SAPOL, particularly Neighbourhood Watch and Safety House; and in corrections we have the visiting justices and inspectors and a lot of people who visit prisoners and assist them when they are released from prison.

This is an important year for South Australia when it comes to volunteering and it is a particularly important year for me as minister. I cannot speak highly enough about the fantastic work that they have done not only in the past 12 months but every year. I would like to acknowledge all the paid people in emergency services and corrections for what I believe has been an outstanding effort in the past 12 months.

Policing is not an easy job. Today we live in a complex society. There is a lot more pressure on communities and families than there has ever been in the past, and that will continue and bring more pressure and complexity when it comes to policing. We know about illicit drugs and the issues behind crime as a result of illicit drugs. I would like to place on the record, not only on my own behalf but I am sure I speak for the broader South Australian community, my appreciation to all those men and women both sworn and non-sworn who work in South Australia Police.

Mr CONLON: I am disappointed again at the layout of the budget figures. I find that the changing description of outputs year by year makes it very hard to follow the budget. I think that is unfortunate. I have said it before, and I say it again. It makes it very hard to identify continuity in cuts or increases in funding. I think that, given that there might be a new sheriff in town soon, the budget figures will be laid out with a lot more openness and transparency than they are at present.

I read with some interest a recent article in the *Melbourne Age* concerning the chief commissioner in Victoria, who has decided to have senior officers spend a couple of shifts a month back on the beat with the front-line police. It is an idea that seems to have been welcomed by both the government and the people on the job. Has any consideration been given to introducing something similar in this state, whereby we might see Mr Hyde having a day in a patrol car some time soon? Does the government think there is any merit in the idea?

The Hon. R.L. BROKENSHIRE: Given that that is primarily operational I will hand over to the Commissioner. I am not sure what happens in Victoria, and I am not particularly interested in how they operate over there. I am interested in how we operate in South Australia, and from my knowledge I believe that all ranks right through to the Commissioner spend a considerable amount of time right across the police spectrum. As minister for police, I have no concerns that senior operational police are not right out there in touch with what is happening across the whole of the police department. I will ask the Commissioner to comment further.

Mr HYDE: I share the view in principle that our senior officers should be in touch with what is happening in the workplace. With our local service area structure we require senior officers to take a very hands-on operational role. So far as me, the assistant commissioners or the deputy commissioner going out on patrol, it is something I have done over the past few years. I cannot do it as frequently as I would like,

but I have gone out on patrol at Elizabeth, Christies Beach and Sturt and, where the opportunities arise, I will continue to do that in the future.

Mr CONLON: I turn to Budget Paper 5, Volume I, page 5.77. My question relates to other relevant areas in the budget papers, too, but a short statement on cash flows explains that the increase in the police budget this year covers additional police officers, the establishment of a call centre and the implementation of the Premier's Task Force. I am sure that the minister is well aware that the police must be very close to an enterprise bargain with the government, and I understand that is due in the next few months. There is no allowance for it in the police budget, as I read it. Does the minister intend a zero outcome for the police in their enterprise bargain or is there an allocation somewhere else and where is it?

The Hon. R.L. BROKENSHIRE: So that we do not get any innuendo running through the media, I certainly say that the minister does not intend a zero outcome in an enterprise bargain for police with respect to a salary increase. With respect to the issues around the enterprise bargaining agreement, it would not be in the best interests of anyone for me to get into any detail about the enterprise bargaining agreement as it is currently being negotiated between officers of the department and Premier and Cabinet (which is the normal way that it happens), together with the Police Association. I will say that provisions are made available from Treasury for enterprise bargaining right across the—

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: Yes, provision is there and that is a separate issue to the money about which the honourable member talked being the increase in policing. I also appreciate the bipartisanship and acknowledgment of the fact that in that budget one will see a $28 million increase in policing this year, partly for additional police officers over and above recruitment and attrition and partly to improve further the working environment for police via technology.

Mr CONLON: I am certainly pleased that the minister has finally started listening to us.

The CHAIRMAN: Is this a supplementary question or the same question?

Mr CONLON: No, I am making a comment that I am pleased that the government is finally listening to us and the people. One aspect that did concern me in the budget papers—and this seems to appear on a regular basis not only in this but in other portfolios (unless I have not read the papers correctly)—is the fact that, last year, there was quite a significant underspending of what one might call the capital budget, in the range of $28 million to $30 million. Would that be right? Having travelled around and seen some of the facilities with which the police work, plainly some of that capital expenditure is overdue. Why were we not able to spend the budget allocation last year?

The Hon. R.L. BROKENSHIRE: I am happy to answer part of that question and I am also happy for the commissioner to answer part of it. With respect to the so-called slippage, some projects are developed over at least a two-year period. We have some significant capital works on the go at the moment. To let members know a little about it, approximately $30 million is being spent in Grenfell Street and Wakefield Street as a result of the Federal Court's initiative to move into the old police station premises at Angas Street. Approximately $30 million is being spent there. Police stations, such as Netley, are on the go at the moment, which will be good not only for Sturt LSA but also the Star Force. About $2.5 million is being spent in upgrades right across the state in painting and refurbishing of police stations, so I trust that my colleague—

Mr CONLON: The problem is that it looks good.

The Hon. R.L. BROKENSHIRE: I am trying to answer the question but, as the honourable member knows, I always like to give a detailed answer and I hope that, as a result, when he distributes his newsletters he might include some of these facts in them. About $2.5 million is being spent across the state in upgrades of works. Also, mobile data terminals are in the process of being replaced. Work is being done around the expiation notice system, telephone interception and equipment, and the like. It is all allocated but some of it comes through over the course of a couple of years. I will ask the commissioner to go into a little more detail.

Mr HYDE: Yes, a timing issue is involved in respect of many of the larger items, in particular the relocation of the Adelaide Police Station. Funding has also been made available for telephone interception, which has been carried over a number of years. We are also seeking to make provision for the purchase of new mobile data terminals. Our current mobile data terminals are over 10 years of age. A high speed data network is included with the new government radio network, so we are using our capital program to try to create the funds to purchase new MDTs. It is a fact that our old terminals are no longer maintained and supported by the manufacturers. Some terminals will be going out of commission, so it is a matter we are trying to rectify.

In addition, we have implemented some restructuring in our purchasing program and we are in the process of changing and streamlining the way in which we approach our capital program to ensure that we do have expenditure within the year required for it.

Mr CONLON: I am a little disturbed that we seem, in many agencies, not to spend the capital budget and reannounce it year by year as capital expenditure when it is just old capital expenditure we have all been waiting for. I turn to an income stream. I was a bit surprised when I went back and did a few sums. At page 5.56, 'Administered Items for the Police Department' in part deals with income from fines and penalties. The projected income in the budget is nearly $45.8 million. I just grabbed last year's budget papers and I saw that the estimated result for 1999-2000 was in fact $39.4 million.

If I can do sums, in two years there has been an increase of in excess of 20 per cent in income from fines and penalties, which seems to have outstripped increases in other areas, certainly in charges. I assume that there are two explanations: first, that you are pinching more people and; secondly, that people are paying more in fines. The minister may have to take this question on notice, but could the minister tell me what has been the increase in the number of fines in the last 12 months, what is forecast and what has been the average increase in the size of a fine? I assume that a good deal of this income has come from the increase in the size of penalties. As I say, he may not be able to tell me that today but I would appreciate it if the minister could dig up that information and tell me.

The Hon. R.L. BROKENSHIRE: I am happy to take the question generally on notice but to just highlight a couple of areas. Clearly, you must set targets with the requirements around the processes for a budget. If the honourable member looks at what has happened to the revenue stream side of fines, particularly with respect to speeding fines, he will note that there has been a reduction in the amount of collect. From

memory, I think that it is approximately $3 million but, as I said, I will provide more details to the question. The reason is that there was a general reduction of about 5 per cent with respect to speed cameras, and the like.

Speed dangerous was still high and that was of concern to the police, that is, 40 km/h above the speed limit set, but there was a general reduction in the revenue stream with respect to speed cameras, laser guns and the like. Yes, there are projections. Every government has projections but whether those projections are realised depends on what happens. The important aspect for me is not the revenue but keeping the community safe. The honourable member has certainly seen the Hon. Di Laidlaw and me in our respective roles doing our level best with police to see that people do slow down and keep safe.

So far this year fatalities are down but are still high in certain areas, like the area in which I live, and the casualty crashes are higher than I would like to see. Having said that, until recent times there has been a general trending down of people being caught speeding and that has a variation and offsets a negative to what projections might have been. Sadly in recent times there has been again an increase in the number of people being caught for speeding. I will take the rest of the question on notice and get back to the honourable member with a detailed response.

Mr CONLON: By way of supplementary question, the 2000-01 budget figure was $43.1 million and the estimated result is $1.8 million above that. I am puzzled as to how that could have come in a period when there was a reduction in people being pinched for speeding. Unless I am not reading it correctly on page 5.56, the 2000-01 budget was $43.1 million in revenue from fines and penalties and it came in $1.8 million above that.

The Hon. R.L. BROKENSHIRE: I am happy to answer that now. In 1999-2000 the actual revenue was $42.255 million. The budget for 2000-01 was $41.030 million and the estimated result for 2000-01 is higher than that. We have not come in with the final figures yet. Once we have the final figures I will be happy to give the honourable member a detailed response as to what happened there.

Mr CONLON: On that line there was a grant revenue of $219 000 that no longer appears. What was that grant revenue? As far as I can ascertain it appeared in previous budgets to a similar amount but does not appear now. What was the grant and why does it not exist any more?

The Hon. R.L. BROKENSHIRE: I will have to get a considered response and detail it. Once I get the end of the year figures I will pass it through to the honourable member.

The CHAIRMAN: I bring the minister's attention to the fact that there is a requirement to supply any information by 5 July.

The Hon. R.L. BROKENSHIRE: I will make sure I can get as much information as I can by then.

Mr MEIER: I refer to Budget Paper 5 (Portfolio Statements) where, at page 5.5, it states that one of the targets for 2001-02 is the implementation of the illicit drug strategy, which is designed to reduce the number of people using drugs in our community and to minimise harm from anti-social or criminal behaviour. Given that the publicly stated positions of the Labor and Democrat leaders in the Legislative Council is that they favour either full legalisation of certain illicit drugs or government sponsored drugs—

Mr CONLON: It is a conscience vote.

The CHAIRMAN: Every member has the right to ask a question that relates to expenditure of government.

Mr MEIER: Will the minister outline to the committee how the policy position I just highlighted, if implemented, would impact on SAPOL's ability to meet the important target outlined in the budget papers I referred to at the beginning of my question?

Mr KOUTSANTONIS: On a point of order, sir: how is the minister responsible for apparent policy positions of the opposition or other parties?

The CHAIRMAN: The rules of question time do not apply to the Estimates: standing orders do, but the rules of question time do not apply. I request that the minister in giving his answer stick to the line as it relates to expenditure by government and the answer should be given within those guidelines.

The Hon. R.L. BROKENSHIRE: I acknowledge the issues around the conscience vote for members. I am happy to put this on the public record: I would enjoy the debate with the Hon. Mr Elliott about this broader issue because as leader of the Democrats in South Australia he has come out and clearly said only in the past week that, effectively, he would like to take the Amsterdam model of cannabis legislation and management into the South Australian parliament. As the member for Goyder has said, that is an absolute shame. I have been to Amsterdam and looked at its model and I assure members that the last thing South Australia needs is a Democrat model of cannabis management because it would take South Australia down a path of absolute potential destruction, particularly when you see nationally more and more 14 to 19 year olds starting to use cannabis. It is common knowledge that the younger you get into illicit drug use the more the chance of getting into harder drug use and potentially greater the chance of a fatal overdoses.

The way the government is going is a good way to go with a drug strategy: it is comprehensive. We never get the Democrats acknowledging the hard work the cabinet subcommittee headed up by the Premier is doing in South Australia on the drug strategy. It is not a single focus strategy. In fact, law enforcement is one key part of it—and I will come to that in a moment. We have a holistic approach to it with education and harm minimisation. In the prison system we have drug free cottages and a therapeutic unit has been going for some time. We will evaluate that and see whether it should not shift to Yatala, where we can reach more people there with that program. Everyone is well aware of what the Attorney is doing with the drugs courts. We have police involved in drug diversion working directly with other agencies, which is a positive move. We have drug action teams and a range of other initiatives and drug strategies in schools. That is the start of what this government has done in the past few years. I reinforce the fact that we are comprehensive and holistic in our drug strategy.

To get to the point of the honourable member's question, if we are not focused on law enforcement and actually let things go, there is no turning back. I often use the analogy that if you have a thoroughbred in the starting barriers minus a jockey and reins and the starting gates open how will you control the horse and where will it go? That is a good analogy to what the Democrats are proposing. Once the starting gate is open and the horse has bolted it is history and it is a destructive path. The short answer is that clearly such proposals would undermine completely our government's important goals in reducing the number of people using drugs in our community.

As a government we want people to do away with drug taking. It is not good for one's health, particularly mental

health, and the other issue I reinforce is that, sadly, when people get involved in taking illicit drugs far too often they get involved in crime and that is when police have to get involved. If these people generally had not been taking illicit drugs, the chances of their coming before a law enforcement officer would be fairly remote.

We have a situation at the moment where about 70 per cent of people in prison have a drug or alcohol problem and in fact it is higher with women. One of the reasons we have seen more women come into the South Australian prison system, and this applies generally in the western world, is because of their involvement in illicit drugs. The short answer is that if we go down a track of being soft and sappy on illicit drugs and policing we run the risk of permanently damaging our community in the long term, and it is not in the best interests of the growth of this state.

Mr SCALZI: As the minister would be aware, many opposition members have alleged that budgeted police numbers have been cut under this government. Will the minister outline the real budget position in terms of funding and police numbers in this state?

The Hon. R.L. BROKENSHIRE: I acknowledge the constant lobbying of me by the member for Hartley regarding support for police officers, which is good for the constituents of Hartley. It is normal for the member for Hartley to be out there lobbying for his constituents, and I might add that he does pretty well when you see the results. He also likes to have the facts put on the table, and that is why he asks this question.

I am disappointed that I have not seen any bipartisanship when it comes to acknowledgment of what the government has done in terms of the development of the police budget over a period of years. I have some very good fact sheets that I would be happy to supply to any of the Labor members if they want to put them in their newsletter—unedited, I might add, so that the facts get out there—

Members interjecting:

The Hon. R.L. BROKENSHIRE: I want the unedited version. Some people like to sweep history under the carpet, but we develop society and, to an extent, live by what happened in history. We came through a massive financial dilemma in this state in the late 1980s and the early 1990s. There were reasons for addressing all of these budgetary issues, and that is what we were put in office to do. Whilst we have been addressing these issues, the Premier has said on many occasions that, as we get the budget under better control, one of the primary areas for an increase in budget would clearly be the police. There has been an increase in three budgets. In fact, by the middle of next year (the end of the 2001-02 financial year) it is estimated that over 700 police officers will have been through the academy in just a three-year period.

I want to reinforce the fact that that figure includes recruitment and attrition—a commitment of the government. In three years of the four-year budget term we have increased the police budget. We are now seeing a record police budget of $397.3 million, which includes an increase in the police budget this year of $28 million. This means that since 1993 when we came to office there has been an additional spend of $114 million in SAPOL.

As I have said, this is the third time in a row that the police budget has been increased. We will see 90 extra police officers coming into policing over the next 12 months. This is on top of the 113 that were part of the Premier's task force which the Commissioner chaired. I must say that, to a great extent, those 90 represent the other part of the recommendations in the report of the Premier's task force. So, that report is being used as a strategic plan when it comes to increasing police numbers.

Over a two-year period, we will see 203 additional police coming in. Of that number, 20 police will be put into a group dedicated to work on outlaw motorcycle gangs. Every member of this committee would acknowledge the concerns that we have about outlaw motorcycle gangs, and our geographical location does not help. I will not comment further on that now. As I mentioned earlier—and I would like to reinforce this a little now—issues surrounding technology, radios, communication, call centres and computer-aided dispatch are being looked at by the government. The short answer is that a serious and significant commitment to the police budget is being made.

Mr McEWEN: What percentage of this will go to rural areas?

The Hon. R.L. BROKENSHIRE: The member for Gordon obviously has an interest in rural areas. He asks whether any of the increased numbers of police will go to rural areas as well. The answer is yes. When I return to my office, I will be happy to give the honourable member some more information on specifically how many of the 203 will go to the honourable member's electorate of Gordon. Of course, the member for Gordon would also acknowledge the new police station that the government built in Mount Gambier and opened earlier this year. It is an excellent facility, and I congratulate everyone who was involved.

A relief pool is being set up to include 20 police officers for the northern command and 20 for the southern command to backfill long-term illness, and long service leave and maternity leave entitlements, etc. Whilst the Commissioner is responsible for how he operationally manages the outlaw motorcycle gangs, rest assured that these officers will be utilised in rural and regional South Australia just as much as in the city in the light of the honourable member's concerns that he has raised with me about outlaw motorcycle gang activity in Mount Gambier.

Mr MEIER: I refer to one and two-man police stations on Yorke Peninsula. The minister would be aware of articles in the Yorke Peninsula *Country Times* and the *Plains Producer*. The article to which I refer in this question concerns staffing on the peninsula of one and two-man police stations. What is the government doing, first, to ensure that these stations remain open and, secondly, in relation to adequate staffing of these police stations?

The Hon. R.L. BROKENSHIRE: This is a good question. I look forward to catching up with a new colleague when I attend the APMC. I refer to the current Police Minister for Western Australia. I had a discussion with her when she was the shadow police spokesperson, and she indicated to me that if the Labor Party were to get into office in Western Australia one of the first things it would do in terms of policing would be to have a serious look at one and two-man police stations.

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: She questioned the value of one and two-man police stations. So, as an exercise, I will look at what state Labor Parties are doing when it comes to one and two-man police stations. I would like to reinforce the fact that South Australia is not an easy place to police. In fact, by the very nature of our geographic spread we have a vast area to police. I understand from everything that I have seen travelling around Australia that we have a

very good spread of smaller police stations in country areas. One of the initiatives that the Commissioner has implemented recently, which I support, is those police officers being involved in traffic policing as well, because I think it is important that we utilise their training and skills to try to keep the road carnage down.

Clearly, we have no intention of reducing the number of police personnel on Yorke Peninsula. Advice given to me is that the establishment numbers on Yorke Peninsula are correct. Of the 203 additional police, two will go into the LSA of the Barossa Valley-Yorke Peninsula area. Again, I remind the honourable member of the relief pools that the Commissioner is putting in place. We also know that police officers in those one to three person police stations are given a 28 per cent loading on their salary for out-of-hours call-outs and the like.

In terms of local service area initiatives, one of the other benefits for country policing is that they are able to work more flexibly in the way in which they manage the police stations and back each other up. I would also like to put on the record that I spoke with Superintendent Bristow in the South-East, and he said that the new government radio network was brilliant for them when it came to being able to better utilise and manage their police officers because, for the first time, he will be able to sit in the local service area headquarters at Mount Gambier and communicate with all of those one to three person police stations at the same time and conduct operations much better.

Once your GRN is rolled out later this year, that will be of benefit to your people. It will work from the LSA headquarters at Nuriootpa. The radio network has been one of your biggest problems in the lower part of Yorke Peninsula. It is something I have been concerned about, not just for police but for all emergency services. I believe that they will be very pleased with that. In answer to the member for Gordon and yourself, a total of $65 million is being spent on rural and regional policing.

Mr CONLON: On the issue of the budget line for new police, some concerns have been expressed about the fact that we have had to bring a lot of police on line to restore numbers and problems with training in particular. I want to ask questions about police training. I will preface my question by making sure I understand how police driver training works. As I understand it, SAPOL issues two types of driving permits over and above ordinary driving licences: one is the 1A permit, which is the basic police driver permit. I understand that the aim is to get people back after six weeks to undertake this one week course, and at the completion of that course—correct me at any stage if I do not have this right—the holder can drive at up to 20 km/h over any posted speed limit.

The second is a 1B permit which is the urgent duty police driving permit and this allows for high speed response and other types of urgent duty driving. From my understanding, the course takes one to two weeks to complete and the permit allows the holder to drive outside the Australian road rules, other than rule 305 which always applies. My question is in a number of parts. First, how many police officers are there today? How many hold a 1A police driving permit? How many hold a 1B police driving permit? Even if it is only a ballpark figure, I would like you to describe the current situation with police driver training?

The Hon. R.L. BROKENSHIRE: In a moment I will ask the Commissioner to actually talk about that, because driver training is primarily an operational matter. But the honourable member raised some other issues. He had about three questions in one. I give him credit for that.

Mr CONLON: It is not really difficult. How many police are there, how many have the first permit and how many have the second? It is pretty straightforward.

The Hon. R.L. BROKENSHIRE: In giving the answer, I will also get the fact down rather than the fiction, because I have heard so many different numbers bandied around quite easily by the shadow spokesperson and the Leader of the Opposition but until now—and better late than never—I have never had this question actually put to me.

I have also never had any recognition on behalf of the government for the fact that the number of non-sworn police has been increasing. In fact, when you look at the number of non-sworn police, you will note that since we came into office, we have had an increase of 198 non-sworn police officers doing more of the backroom work, which has freed up many police to get out and do what they went to the academy for, and that is to be police officers. I would like that acknowledged for once.

I would also reinforce the initiatives that we have put in place to free up police over a period of time, such as Group 4 now carting prisoners around rather than highly qualified police officers, police officers not having to take prisoners to court or prison, non-sworn officers now sitting behind laser guns (which comes under the PSSB)—

Mr CONLON: Mr Chairman, not only is it not an answer to the question I have asked but it is something we have heard here for three years. We do know it. If the minister wants me to acknowledge that he has said it before and he is saying it again, I will acknowledge that fact. We know it. However, the question was of a fairly small ambit. It was not about all this. The minister has had a fair go in making motherhood statements for a long time: I have not. I did not make an opening statement. I have kept my comments on the question to a minimum. I am prepared to help this committee run well and not use any more time than we need but, the way this is going, we will use every minute that we have. I do not know how that helps anyone.

The Hon. R.L. BROKENSHIRE: I will give the committee the numbers now and then I will ask the Commissioner to talk about driver training. The numbers estimated for the year ending 30 June this year are as follows: the total strength of the department is 4 555, of whom 3 741 are police officers either out on duty or in the academy, and there are 814 civilians. I will now ask the Commissioner to talk about driver training.

Mr HYDE: There are two aspects to driver training. The first point to make is that we train people who need to be trained. It is not a matter of having all the police officers trained with the required 1A and 1B driver permit because some work in non-operational positions where they do not have to exercise those requirements. It is a question of training the people who need these permits and there are two parts to that. One part is cadets on graduation, and we have a program in place that brings them back within a six-week period after they graduate to do a combined 1A and 1B training program after two weeks. The other part is to train people who might transfer from a position where they do not need these permits to a position where they do.

In both cases there is some backlog. There are logistical issues with scheduling and running through the training. It is a priority for us and we try to make sure that we minimise any delays in qualifying people with these permits. At this stage, I cannot give the committee a breakdown on the

number of people who are qualified for 1A and 1B, but we could obtain that information if required.

Mr CONLON: It certainly would be required and I would be grateful if it could be supplied in the agreed time frames.

The Hon. R.L. BROKENSHIRE: You will get it by 5 July.

Mr CONLON: Are there police officers with more than six weeks' service who do not hold the basic 1A driving permit and, if there are, how many?

Mr HYDE: Yes, there would be people who do not hold the permits and that is always going to be an issue. We will not have 100 per cent qualifications in these areas because there are scheduling requirements. We have to lease the Mallala circuit as part of the training, as well, and all these things need to be taken into account. As I said, some people might be transferring from non-operational positions where they do not hold them to an operational position where they need them, and we seek to qualify them as soon as possible. I cannot say that everyone is qualified within a short time.

Mr CONLON: Are you saying that there are people who are not operational who will not get the basic 1A permit?

Mr HYDE: All cadets graduating will meet their qualification requirements but the second category is from the general work force where somebody might transfer from a non-operational position to an operational position and may not hold a permit, so we have to make sure that they get qualified.

Mr CONLON: Is that a 1B permit? Surely everyone has a 1A permit.

Mr HYDE: Maybe they do not. Some permits are removed because the officer might have had an accident and, as part of the investigation of the accident, we may remove the driver's permit.

Mr CONLON: I want to make sure I understand it correctly. The ordinary process is that everyone who leaves the academy goes back within six weeks to get the basic 1A permit if they are to continue with the police. Are there people who do not do that?

Mr HYDE: That is the intention and we have been running a trial to combine the 1A and 1B permits in a two-week training program to try to minimise delays by having two bites at the cherry with a 1A and 1B requirement. That has worked quite well. I cannot guarantee that everybody is qualified within the required time line. That is what we try to do and it does not always turn out that way.

Mr CONLON: Police driving is an extremely important issue and I have enormous sympathy for the police and the job they do. They so often only come to the notice of the public when something goes wrong and the public do not see all the hard and awful jobs that police officers do. For many of your people it is a career and they have been with the police for a very long time. Some of them would have had driver training, perhaps 20 years ago, and obviously there has been a great change in the nature of motor vehicles.

I can still remember the powder blue Valiants and I do not think they had computers and the types of brakes that cars have now. Is there any sort of performance assessment for people who trained 20 years ago? Is there a refresher course? Is there a way of making sure that these people are trained? I am talking about people who have a permit to ignore all the road laws except rule 305. Is there ongoing assessment? Is something done for those people to make sure that their training is up to speed?

Mr HYDE: No, we do not and that is a real issue for us. We are examining it at the moment. It is part of our operational safety emphasis. It also comes into play with occupational health and safety requirements. There are stringent requirements under the WorkCover arrangements and it is a matter that we will have to address in the near future. I believe that there are officers who will require refresher training and we ought to be doing that across the board, probably, rather than in a selective fashion. It will have a resource impact for us because training requires a resource commitment, and I use the incident management and operational safety training program as an example.

Last year we retrained the whole operational work force, 2 900 staff, on a four-day training program. That is nearly 12 000 days that people spent on training last year for that particular exercise and, obviously, they are days that they cannot use to devote to service delivery. That issue was taken into account in the Premier's task force looking at staffing levels, but there are continual requirements for training for police, new requirements, and driver training is one of those. We will have to look carefully at what programs we need to put into place, because I believe we need to put something into place, and at what impact that will have on the resources.

Mr CONLON: How many driving instructors do you have at present?

Mr HYDE: They are not separated. They are within our operational safety training unit at the academy. Our instructors there instruct for driver training as well as the broader issue of operational safety such as firearms training, defensive tactics and communications skills. We rotate the staff through those training requirements.

Mr CONLON: Do you have any specific driver trainers?

Mr HYDE: Some people are better at it than others but we find it is more efficient if we can use a group of staff to do a range of functions rather than narrowly keep them confined to a specialist role.

Mr SCALZI: My question relates to Neighbourhood Watch. Will the minister outline the impact of Neighbourhood Watch on crime prevention and what funding is available to support this very important voluntary organisation?

The Hon. R.L. BROKENSHIRE: Neighbourhood Watch is very important for all the community and, in fact, I would encourage people who currently do not attend Neighbourhood Watch meetings to go along and support members of the community who are working hard as area coordinators, and the like, because it is a very important program. It is now a fact that, where Neighbourhood Watch programs are working properly, there is a reduction in crime. We need to encourage more people to come on board with the proactive crime prevention programs that are jointly shared by the justice portfolio: the Attorney in his capacity and me in my capacity. There are 411 active Neighbourhood Watch areas and 57 Rural Watch areas, and they receive $100 000 per annum from the South Australian government through the police budget. In addition, grants totalling $15 000 are available to various successful Neighbourhood Watch areas for a rapid response to graffiti problems through the Attorney's funding.

I would like to acknowledge the Neighbourhood Watch program's partnership with the media—and I refer particularly to Channel 10, which has reaffirmed its commitment to sponsorship of the Neighbourhood Watch program. That is what it is all about; partnerships between the media, the community, the government and the police. I have seen some Neighbourhood Watch groups which work extremely well. They have broadened their role and become a little more involved in some social opportunities and networking, with

different sorts of guest speakers and outings and the like. I encourage Neighbourhood Watch groups that may be struggling a little to look at some of those groups that are doing really well in terms of numbers.

In relation to the core work, if a group gets 15 or 20 people along to a Neighbourhood Watch meeting they are not doing too badly. I know (and I am sure that other honourable members would confirm this), as a result of doorknocking and visiting, that people who do not attend Neighbourhood Watch meetings read the newsletters and are aware of the existence of Neighbourhood Watch, and that they pick up the issues around who to dial for advice, whether a situation is life-threatening or non-life-threatening, and keeping an eye out. Sometimes they know that their neighbour is a member and they will pass on information to them that can be beneficial to the police.

A public survey on crime and punishment a few years ago highlighted that there was strong support from the community at that time for Neighbourhood Watch. Given the efforts, the review and the new focus on Neighbourhood Watch over the past year or two, I would like to commend the police and the Neighbourhood Watch organisation for the way in which they have gone about developing a new initiative and opportunity for Neighbourhood Watch. I think it is fair to say that, whilst there are always challenges with programs such as that, my understanding is that we are doing better than some of the other states with respect to Neighbourhood Watch.

Mr SCALZI: I refer to Operation Mantle. I note the minister's recent comments in the House of Assembly that Operation Mantle has been hugely successful in targeting drug dealers and drug-related crime. Can the minister outline the basis for the decision to fund a dedicated unit of 36 officers to support this important operation?

The Hon. R.L. BROKENSHIRE: It is a policy issue of government as to how we address illicit drugs and the strategies and the funding around that matter. The process of how the officers engage in specific operations is clearly an operational matter, but the issue around the government's commitment through policy development (and not only policy development but also providing real dollars to back up that policy development) is important.

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: This is a serious matter. One of the areas that we have specifically outlined (and it was developed, as I said, partly through the efforts of all those involved when the Commissioner chaired the Premier's task force for policing) is the issue of identifying the need to look more specifically and strategically at issues around illicit drug law enforcement. With the announcement in the budget of 90 additional police, we will see a number (36, in fact) dedicated to Operation Mantle and the issues around the policing of street trafficking offences regarding illicit drugs. That also provides an opportunity to free up some of those police officers who were pulled off other duties to work on Operation Mantle. So, there is a double bonus when it comes to police numbers and how they will be able to be utilised.

In 1998, an analysis of illicit drugs and related crime was prepared for the Commissioner. This was the basis for the formulation of the strategy to target illicit drugs, and it was named Operation Mantle. I would like to give credit to all the police officers involved in this work. I also would like to give credit to the community, because we only have to look at what the community did through Crime Stoppers when we launched the 'Pull the plug on hydroponics' program to see that if we have members of the community ringing, reporting and observing and working with the police we achieve the best result and the best opportunity to use that government dollar—the taxpayers' dollar.

In just over a year, 799 drug dealers have been arrested or reported with respect to Operation Mantle. About $500 000 worth of heroin (320 grams) was seized; stolen property valued at $450 000 was recovered; more than $250 000 in cash, believed to be the profits of crime, was confiscated; and 1 277 drug users were issued with written or verbal advice on how to obtain help or treatment, which I think is important, and which ties in with the other components of the drug strategy which I talked about. It shows how police are working with whole of the justice portfolio and the whole of the government's drugs strategy to try to help those people. In my opinion, the full evaluation has come up well in respect of Operation Mantle and, as a result, as I said, 36 police officers across the six metropolitan LSAs are now being dedicated to Operation Mantle.

Mr SCALZI: My next question also relates to drugs. Some would argue that cannabis should be treated like any other weed—with Zero. If the Labor and Democrat proposal to increase the number of cannabis plants allowable for personal use goes from three to 10, will the minister comment on what impact this would have on the police operating budget?

Mr KOUTSANTONIS: Sir, I rise on a point of order. This is a purely hypothetical question, and I ask that you rule it out of order. The member's words were 'what would happen if'. It is hypothetical.

The CHAIRMAN: I suggest to the member for Hartley that he reword the question in the form of what policy position the government might take, and then refer it to a budget line.

Mr SCALZI: Are there any contingent plans if the number of cannabis plants is increased from three to 10, and how will the government meet that plan?

Mr KOUTSANTONIS: Sir, I rise on a point of order.

The CHAIRMAN: The question can be hypothetical. It is entirely up to the minister to answer the question. But I ask the minister to answer it in a planning sense, so that it has some relationship to reality.

The Hon. R.L. BROKENSHIRE: I am very happy to answer it in that way. I think that it has a very strong relationship to reality and that it flies in the face of the proposal of the leader of the Democrats, on behalf of all the Democrats, when it comes to his absurd (in my opinion) proposal about cannabis. The more plants that are able to be grown arguably under an expiation notice offence (that is to say, 10 plants, as was the legislation that was introduced in 1997, as against the three plants that the government has come back to now; a reduction of seven), the more cannabis that will clearly be out on the streets, and the more damage that that will cause society—and, in my opinion, the more potential, therefore, for people to engage in criminal activity and to have issues around mental health.

The toxins in the THC (according to everything that I have read, and from listening to the Minister for Human Services talk about this) are much more powerful now than they were back in the 1970s, and even the 1980s. In my opinion it is a recipe for disaster—from a policing and health point of view and because of what it does to the fabric of the community—to put a proposal forward in the parliament that would encourage more cannabis to be grown in this state.

Mr CONLON: How are police driving instructors qualified? Do they have an external qualification or do you satisfy yourself that they can teach driving? Is there a qualification for it? Is there an objective standard for people who teach driving to meet to become driving instructors?

The Hon. R.L. BROKENSHIRE: I will refer that question to the Commissioner.

Mr HYDE: I am not aware of any national accreditation for police driver trainers. I would have to check that to answer your question. It is probable that they meet certain competency levels which are acceptable from the point of view of being an instructor in this environment, but I will have to check on that and supply an answer.

Mr CONLON: As a supplementary question, I would be interested to find out how you establish the qualifications and how many of your people hold qualifications to train. I have previously asked a question in the house about the Police Security Services Division and I want to follow that up because I have some concerns about it. I understand that recently there was a cabinet decision to tender for the services that are currently performed by the Police Security Services Division. I also understand that there is a relationship between what we could call the police proper and the division and they work together on security matters. I am concerned that what appears to be merely a commercial decision has been taken in regard to those services and that the matter has not been looked at holistically from a security point of view. Was the minister properly consulted about this cabinet decision to tender out these services?

The Hon. R.L. BROKENSHIRE: Mr Chairman, I do not believe that I have to answer to the parliament on specifics around cabinet.

Mr CONLON: As the Minister for Police, do you have a view about the tendering out of the services of the Police Security Services Division?

The Hon. R.L. BROKENSHIRE: I obviously have a view when it comes to the importance of trying to combat arson and wilful damage in schools and on other government property. I think it is fair to say that it is a problem for all jurisdictions. To demonstrate that it is a national problem one only has to look at how sad it was in New South Wales last weekend when the same school was hit twice. Clearly, I have a view and a concern. As I said in the chamber and will repeat: whatever the outcome of the current processes of the Education Department, rest assured that police will take a very strong interest wherever they can in trying to combat wilful damage in schools.

There is an extremely good working relationship between the police and the department, and I have seen an increase in that in recent times. For example, I cite the pilot project in the south which the minister and I launched recently. This police initiative established a better process for reporting wilful damage in schools directly to the police LSA. When it comes to issues of private and non-private security arrangements, we have to remember what has been put in place across Australia as a result of Professor Fred Hilmer, national competition and competitive neutrality. From time to time processes have to be followed, and they will be followed through carefully in the best interests of security at schools.

Mr CONLON: I do not agree that we have to genuflect to the competition principles on absolutely every matter every time. In considering tenders for things such as school security can we be assured that issues other than the lowest dollar price, which I think would be a very artificial indicator, will be considered, and that the Police Security Services Division's demonstrated ability to work with police is taken into consideration and given some value as well as simply some commercial dollar value to a private tenderer?

The Hon. R.L. BROKENSHIRE: I am not able to speak for the Education Minister; that question could be directed to him. Regarding the honourable member's comments about its being driven by the bottom line, I refute that. I have had discussions on this issue and I would like to reinforce that it is probably not a good idea to add two and two and come up with six. What is being driven is what is the best way to go in the future with respect to improving and therefore hopefully reducing the amount of damage done to schools and the issues of security at schools. I do not think that it is unfair for any organisation from time to time to re-assess that. We will wait to see what happens during that assessment.

Mr CONLON: You can assure me that the move to private contractors will not reduce the level of policing service, security service?

The Hon. R.L. BROKENSHIRE: Policing services?

Mr CONLON: Well, they work for the police. Can you assure me that the move to private contractors will not reduce the level of security service provided in schools and government buildings?

The Hon. R.L. BROKENSHIRE: My understanding is that it is the intention of the Minister for Education to provide the best opportunity to improve security services in schools. I will work with the minister to ensure that we assist to do the best we can to reduce damage and address improved security issues in the future.

Mr CONLON: How are offence figures going with regard to motor vehicle theft and illegal use? I have been concerned about the increase in both those offences in recent years. As the commissioner would be aware, the vehicles that are most easily stolen are those that are less valuable and less modern and, unfortunately for the reason of the income of the person who owns them, less likely to be insured and, when stolen, often result in a detrimental effect to the livelihood of the people who own them.

I have very serious concerns about the levels of motor vehicle theft. It does not seem to me that we have been able to, but have we been able to arrest the increase in vehicle crime? Minister, you mentioned your task force mantle. As I recall, a number of years ago a task force was specifically established to break up organised vehicle theft rings. Has consideration been given to reintroducing that sort of task force?

The Hon. R.L. BROKENSHIRE: I certainly support the points raised by the honourable member in terms of the frustration and anxiety for an individual when their motor vehicle is stolen or, indeed, broken into. I have said before in the parliament that, next to the UK, Australia has the highest figures in the world for motor vehicle theft and for people breaking into motor vehicles, and that is unfortunate. However, a National Motor Vehicle Theft Reduction Council has been formed, and I know that the Attorney is very heavily involved in that. That council looks at issues involved with the reduction of motor vehicle theft right across Australia.

I think it is important to put that on the public record so that members can see that there is a national approach to this problem involving a very detailed working strategy for motor vehicle theft reduction. In terms of this state—and, in a moment, I will ask the Commissioner to talk about the specifics of the operation—the government has been concerned about motor vehicle theft and I have had many discussions with the Police Commissioner and others about

motor vehicle theft. I have seen some good initiatives put forward. In fact, I was involved in a launch of one initiative near the member for Elder's electorate. In fact, it might even be in the honourable member's electorate.

Mr CONLON: And you never invited me.

The Hon. R.L. BROKENSHIRE: It is not the honourable member's electorate at the moment: it is the member for Mitchell's electorate. Does the honourable member's electorate take in the shopping centre at Marion?

Mr CONLON: It is just out.

The Hon. R.L. BROKENSHIRE: People shop there, so the honourable member will be interested in this initiative by the government. The police at Westfield Shopping Centre and the Marion Council and Mayor Felicity Lewis were also involved. Police are moving around these shopping centres disseminating information to people about what to do when they park their vehicles. It amazes me the number of people who will leave mobile phones, handbags, laptops and those sorts of things exposed in the vehicle. It is an invitation to someone who wants some quick money. Also, issues were addressed about where people park their car late at night. Why park a car in a dark area? Park it under a light.

All those issues were addressed. That material is starting to have some benefit. The RAA is currently working with SAPOL on a concept that involves further initiatives to reduce motor vehicle theft, but the most important initiative has been Operation Vigil. I know that police track the patterns of motor vehicle theft and members will see that police patrol major shopping centres, such as Westfield, which is why I raised that point. The same applies in my own area at Colonnades and, of course, around the city, North Adelaide and those areas.

Police have been working on an intelligence base to combat this problem with a special team working in Operation Vigil. There have been some quite good successes in recent times but I would have to say that it is not an overnight fix. Clearly, evidence shows that there is less risk of motor vehicle theft with the modern motor vehicle fleet and therefore offenders target certain models. It would be a good idea for people who may have an older model Ford, for argument's sake, to ask police what they can do to help keep their vehicle secure.

In my own area late last year members of the local South Coast LSA were stopping people who were driving specific cars and advising them that, whilst they were getting some good reductions in motor vehicle theft, thieves were particularly targeting older Fords that were easier to break into. Police advised these motorists what they could do to address that problem. Police have been very proactive in their approach and I am pleased to congratulate them in that respect. As far as specifics are concerned, I will ask the Commissioner to make some remarks.

Mr HYDE: Motor vehicle crime is of concern to us and it has been a priority target. By motor vehicle crime, I refer to larceny or illegal use of motor vehicles, illegal interference with motor vehicles and larceny from motor vehicles. Over recent years we have seen a significant increase in all of those categories. In addition, stolen motor vehicles are often associated with other crime, whether it be robberies or break-ins. For all of those reasons it is a target for us. Some changes have occurred in terms of recovery. It is correct to say that the older and cheaper cars are the major target for people who wish to illegally use or steal cars.

We have also found that, over recent years, the recovery rate has started to decline. Part of the problem is about rebirthing and stripping down cars for parts and things of that nature. We have put into place Operation Vigil, which is a corporate strategy undertaken by all local service areas. We also focus on the organised side of motor vehicle theft, particularly the rebirthing through the Drugs and Organised Crime Investigation Branch. So, there is a focus on that side of things and it is one area in which we have been getting fairly good results.

Overall, the rate of illegal use and larceny of motor vehicles has increased by less than 1 per cent for the current financial year. We have seen a very significant reduction in larceny from motor vehicles—something of the order of 10 per cent. On the other side, though, we have seen about a 10 per cent increase in illegal interference with motor vehicles. However, when those things are put together the number of offences for larceny from motor vehicles is about three to four times that of illegal interference. So far as we are concerned the ledger is on the positive side. A range of other initiatives are being looked at, such as immobilisers, re-birthing, the wrecks register and the continual target of operations by police. Some new initiatives are in train, and it is probably preferable not to discuss those publicly at this time. I can assure the committee that it is a target and a priority for us and we are getting some fairly good results in this area.

Mr MEIER: Police response times are highlighted on page 5.16 of the Portfolio Statements. I have been concerned that occasionally there has been negative publicity about police response times. Could the minister provide the committee with an overview of what is happening with police response times and will the minister also outline what further initiatives the government is undertaking to improve response times?

The Hon. R.L. BROKENSHIRE: The honourable member is correct. Quite often in a grievance debate an honourable member will slam SAPOL for some absurd response time allegation. Unfortunately, a question is never asked of me in question time. I wish someone would ask a question in question time because it would be a lot better. I must say that I am pleased to put the other side for the police because police receive something like 330 000 taskings a year, and I know that they can easily receive 1 200 taskings just on a Saturday, and that is an enormous amount of work in a year.

I would say that it does not matter how hard you work because, from the executive level of police right through to the probationary constable, from time to time, just like anyone of us in any part of the work force, something will go wrong or you may not get it right. However, there are avenues to work through if there is an issue and if MPs or the community want to find out what happened. We always have a detailed brief on that and respond to people as quickly as possible to let them know why. The number of poor response times is minuscule compared with the norm, but you do not hear them talking on the radio—certainly I cannot recall anyone ringing up—and saying how good a job the police did to get there in such a short time. That is a general overview.

I will be reasonably quick to get through the rest of this because I want to assist my colleagues so they can ask me another wonderful question. The short answer is that response times have actually been improving. We have seen the average response times for all categories of taskings in April 2001 initiating it to an on-scene were down 63 seconds. There has been a reduction.

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: The police are the ones doing it, but I am happy to report it and support them. That is an average response time for all categories. The average is back to 15.06 minutes. The deputy commissioner put on the public record earlier this year that metro times have improved by 20 seconds, to an average of between six and nine minutes. These reductions in response times are significant because taskings for the same period have actually been increasing. We saw a reduction in taskings, mainly as a result of initiatives the government put forward that I have outlined today, and we have now seen an increase which is being addressed by extra police and so on.

The benchmarks are a broader measure than those used in the budget papers because they actually include all taskings in an LSA. The other point I should reinforce here is the money that the government has committed with its policy of having a dedicated 16 hour a day (during the busy times), seven days a week call centre which will actually assist there in the future. Those initiatives will start to pay handsomely as a result of that $8.5 million commitment.

Mr KOUTSANTONIS: My question relates to Operation Mantle. An elderly couple residing in my electorate in Thebarton were the victims of a home invasion 1½ years ago. The elderly gentleman who owns the property is undergoing dialysis, and he is also suffering from cancer. The police received an anonymous tip-off that they were growing marijuana in their backyard and their home was raided. The police forced their way into the home, and after a search of the house found no cannabis and no evidence of any criminal wrongdoing on the property whatsoever. My constituents have not received an apology.

I have not yet written to the Commissioner as I have been trying to chase it up through other avenues, but I will be writing to him about it soon. What criteria do police use when they follow up these anonymous tips? Is any mechanism in place to check to make sure these anonymous tips are not of a malicious nature?

The Hon. R.L. BROKENSHIRE: I will get the Commissioner to speak more specifically about that because generally it is an operational question. I know from my own briefings and discussions I have had with police that they are careful about the way they go about this. In fact, I had a situation in my electorate where someone did make a complaint as they felt the police should not have gone into a particular property but, having actually researched that case, clearly much work was done behind the scenes for the police to assess that phone call.

At the end of the day, whilst it is unfortunate when a circumstance arises like the honourable member has raised, if in fact that is the case, police can only do so much. At the end of the day, they have to make a decision. I think the community generally supports strongly the efforts of police to get illicit drugs off our streets to stop damaging our community and our young people in particular.

I am confident that police do everything they can to assess the intelligence given to them, but at the end of the day when you have weighed it up, until you get into the property you will not know. You cannot go in with a special detection system from the road and check it out that way. It is a difficult call sometimes for police and I support them in the way they are careful in their considerations and in how they go about that work. I will ask the commissioner to comment further.

Mr HYDE: I certainly share the view that it would be unfortunate, and it can be traumatic for people, particularly elderly people, to have police come to their premises. Even if the search is conducted thoroughly, properly and in a fair fashion, it still can be quite upsetting for people not involved in these sort of illegal activities. We are careful to properly assess the information we have received. We take into account whether or not it is anonymous: it is certainly one of the things we consider when determining whether to follow through with the information. I cannot give a categorical answer on how cases are assessed because each will be assessed on its merits.

I can give a couple of examples that will give you some measure of the assessment we do. We conducted an operation called Operation Airleigh earlier this year, which focused on hydroponic crops grown by outlawed motorcycle gangs. Thirty-nine premises were targeted for search and 37 of them revealed hydroponic crops, so the rate of detection was very close to 100 per cent. More recently we had the phone-in day concerning hydroponic cultivation of cannabis as well—Operation Atlantic. We had almost 1 000 actions coming from that phone-in period over a number of days. Up to 10 May, 525 properties were searched as part of those actions and 46 per cent of them had hydroponic crops, which is again a high rate of detection. All of that is built on an assessment of the information received. Many of those actions would be from anonymous callers to Crime Stoppers.

We carefully assess the information to make sure it is reliable. You cannot guarantee that and each case is treated on its merits. It is unfortunate that that has occurred with the constituents to whom the honourable member referred. If the honourable member would like to write to me about it, I will certainly ensure that action is taken to examine that case and contact those involved.

Mr KOUTSANTONIS: What action is taken against people who make false complaints about residences where, after a police search, it is found that no criminal activity is occurring?

Mr HYDE: We take action where we can to prosecute, but if it is anonymous information we have limited opportunity to take action in respect of that false complaint.

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

Additional Departmental Advisers:

Mr J. Paget, Chief Executive Officer, Department for Correctional Services.

Mr G. Weir, Second-in-Charge.

Mr A. Martin, Manager, Financial and Physical Resources.

Ms L. Moncrieff, Ministerial Adviser.

Mr CONLON: There seems to be a higher than national average number of prisoners held in remand. I assume that is because we are taking some time with the court system. Why is there such a large number of prisoners held in remand and what can we do about it?

The Hon. R.L. BROKENSHIRE: I acknowledge that South Australia has a reasonable rate of remand prisoners. That has been the case for about a decade if not a bit longer. The fundamental reason for remanding a person in custody is to ensure that they will attend court when required to answer the charges against them. In addition, the need to protect the integrity of the justice system has resulted in the development of the practice of remanding the accused in custody when it is necessary to protect witnesses, which I think is quite a—

Mr CONLON: Are you saying that you have more people in remand because we give fewer people bail in South Australia?

The Hon. R.L. BROKENSHIRE: I acknowledge—

Mr CONLON: I was just wondering. I thought that it might be because the court system takes too long.

The Hon. R.L. BROKENSHIRE: No. I acknowledge that there is a higher number of people in remand, but you must appreciate the fact that there are careful decisions made around keeping people in remand. I, personally, as Minister for Correctional Services do not have a problem with the fact that, on a qualified basis, we have a reasonable number of people in remand, because I think that is what the community of South Australia would want when it comes to the fact that we want to make sure that witnesses are protected. We also want to make sure that those people are available when police prosecutions and the courts are ready for the normal judicial processes.

Whilst there has been some comment at times about whether or not police prosecutions get enough time to assess cases, I have said on a number of occasions after checking with the Commissioner that one of the issues that the police have is that they like to get their homework done properly. I think most members of parliament would agree that, if there are reasonable reasons for keeping people in remand, they should be kept on remand pending sentence. So, I sit quite comfortably with the current practices.

Mr CONLON: If your answer is that we have a higher number of people on remand because we refuse bail more readily than other states, can you provide information about that? This is not strictly my area, but can you provide some statistics about our record compared with the national average in terms of courts allowing bail, because I find this a little hard to believe.

The Hon. R.L. BROKENSHIRE: The current remand rate per 100 000 of adult population in South Australia is about 34.8; the national rate is about 26.3. However, I say again that, from my understanding, you do not get put on remand unless you have a reasonable case to answer. I do not have a problem with people being on remand if the evidence is put forward that there is a reasonable case to answer. I also do not have a problem with the police taking the appropriate time to ensure that, when they take a case to court on a criminal charge, that time has been put in and those people are obviously protected and also that we know where they are while the trial is pending.

Mr CONLON: I am not certain that the police should take their time about bringing criminal prosecutions. I find that hard to accept other than in exceptional circumstances.

The Hon. R.L. BROKENSHIRE: As a point of qualification, I am not saying that they take their time. The Attorney manages the judicial processes. I am not an expert on those matters, but from a police minister's and correctional services minister's point of view, I know that at certain times there are cases, and there was one recently where, under the legislation, there was only so much time in which the police could put their case together. What I am saying is that, if the police put a good argument forward to keep someone on remand while they get their case together, it is not a matter of giving them extra time but if they believe there is enough evidence to support the charge it is a matter of the police putting forward a case that they should be on remand for that period while they work through that. I think that is what the community wants.

Mr CONLON: Perhaps the Attorney could help, because it is more strictly in his area. This is news to me. What I am hearing is that we are less likely to give bail for offences than other states. How has that come about? I am not necessarily critical of it, but it is a new circumstance to me and I just wonder how we have a system that provides that outcome. I take it that this is the desired outcome.

The Hon. K.T. GRIFFIN: Bail falls within my area of responsibility and remand overlaps my responsibility with that of the Minister for Police, Correctional Services and Emergency Services. There has been concern about the apparently high rate of remand. Studies have been undertaken in conjunction with the courts, but it has not been possible to put our finger on the significant reasons for why the rate is higher than the national average. Those studies are continuing to try to get to the bottom of it. Is it cultural? There is some evidence that we are less likely to grant bail in circumstances where there might be the risk of absconding more so than in, say, some other jurisdictions.

If one looks at the figures, as the minister has said, the national rate in December 2000 was 26.3 for every 100 000 of adult population; the rate in South Australia was 34.8 for every 100 000 of adult population. So, that makes it about 8.5 per 100 000 difference. It may be that, when one really looks at that carefully, it is not such an extraordinary disparity as to warrant major concern but, right across the justice system, we are anxious to try to get to the bottom of why the remand rate is different. We have tried to identify what the definition of 'remand' is in other jurisdictions that compare with South Australia to see whether it is a terminology difference, and that has not been easy to discern.

The Bail Act in this state provides a presumption in favour of release rather than imprisonment, but there may be characteristics which tend to favour remand in custody because, once a person is convicted or pleads guilty, courts are more reluctant to release in those circumstances. We do not know all the reasons why this is occurring. It is an issue that we wish to get to the bottom of but the studies so far have not been able to give us a definitive answer.

The other issue of concern is the extent to which Aboriginal defendants might be remanded in custody, because one of the recommendations of the Royal Commission into Aboriginal Deaths in Custody is that remand in custody should be used sparingly if the circumstances of the case allow release on bail to be made. Again, the difficulty is that people are not remanded in custody for minor offences. They are serious and, in many instances, indictable offences and, whether they are Aboriginal people or non-Aboriginal people, if they have committed serious offences, no distinction is made as to whether or not they should be remanded in custody. My understanding is that some studies across the justice system are still being undertaken to try to get to the bottom of it.

Mr KOUTSANTONIS: My question relates to the incarceration of the former magistrate, Mr Liddy. It has come to the opposition's attention that Mr Liddy is receiving special attention in Yatala Labour Prison. I understand that, until Liddy's incarceration, the practice was that people on 24-hour surveillance were incarcerated in a padded cell and put on a suicide watch, with a light on in the cell 24 hours a day. I understand that, since Mr Liddy has been incarcerated, the government has installed an infra-red camera system in his cell. I would like to know what the cost of that was, whether it was instituted simply because of former Magistrate Liddy's incarceration, whether it was planned to install it

earlier or whether it was as a result of a request by former Magistrate Liddy that he was not able to get enough sleep that the infra-red system was put in. Further, who supervised its installation?

The Hon. R.L. BROKENSHIRE: I will hand over to the Chief Executive Officer to answer most of that question. Under the current act, as the honourable member would probably know, when decisions are made on people being put into G Division or put into different areas based on a range of issues—for example, protectees may have assaulted a prison officer, they may be at risk, evidence might have come forward that the prisoner is at risk—the department has to take appropriate measures to ensure that all prisoners are given reasonable protection. Measures must be taken to ensure that, while a prisoner is on remand or for the term of their sentence, we do the best we can as a department to keep all prisoners safe.

Today I confirmed and approved the decisions of the department with respect to the immediate management processes of Mr Liddy, as I did for at least another 10 prisoners, I guess. Every day decisions are made right across the spectrum of management of prisoners on where they are placed and what I confirm with respect to those decisions. I do not believe that Mr Liddy has been given any more protection than anybody else, but that is my personal opinion. Given that we have about 1 450 prisoners in the system, from time to time measures have to be put in place to ensure that the prison system functions properly, that those particular prisoners are safe or that they are dealt with appropriately so that the rest of the prisoners are safe.

From what I have signed off today, given my understanding of the circumstances, I am not aware of anything that is out of the ordinary. I am not aware of the infra-red light, and I will ask my CEO to comment on any other areas that I may not be aware of as Minister for Correctional Services.

Mr PAGET: We are very conscious of the risks of something unfortunate happening with a former judicial officer in the correctional system, and there are fairly well documented cases of tragedies occurring with judicial officers who find themselves on the other side of the administration of justice. We are very conscious of our risks in this case. We did an assessment and initially we put the person on a suicide regime, watching very carefully. Subsequently, there are two ways of doing it: we can use a person outside the cell watching or, alternatively, as we do, we can put a monitor in the control room where there is an existing staff person and place a camera in the cell.

It is quite common practice to use an infra-red camera where people are locked up in a secure cell and you are trying to make sure that they get through the night safely. As you are probably aware, we are re-doing the security system at Mount Gambier and we brought the camera up from there, so it is recycled. Out of session I can provide the total cost but this is not a big operation compared with the totality of the security upgrade that we have been embarked on for the past three years. It was my decision to put the camera in there so I had constant observation of Mr Liddy, including constant observation at night. It is nothing to do with giving him comfort. It is just that an infra-red camera at night is the practice when looking after people in a cell. Clearly you do not want to keep them up all night with night light, otherwise they will further stress out. Infra-red is common practice. There is nothing special about that.

Mr KOUTSANTONIS: It is my understanding that it is not common practice to have infra-red cameras for all inmates on 24-hour surveillance and that it was a special request made specifically in Mr Liddy's case. I understand that other inmates on 24-hour surveillance are exposed to white light for 24 hours while they are under surveillance and that Mr Liddy was given special treatment. Was there any written request from Mr Liddy, any member of his family or his lawyers that this camera be installed and the light turned off?

Mr PAGET: No, it was solely my decision.

The Hon. R.L. BROKENSHIRE: From my perspective, a couple of points need to be put on the record. This case is still sub judice and it is still pending appeal. I remind all members of that.

Mr KOUTSANTONIS: I am not arguing about the case.

The Hon. R.L. BROKENSHIRE: No, but I remind members about that. I also remind members that each prisoner must be considered on their merits as to how they are managed to ensure that we do what is required, not only under the act but also under United Nations' conventions and things like that, to keep people safe and secure, even when they are incarcerated.

Mr SCALZI: I refer to prison escapees and make the point that any escape is a concern to the community. I refer to budget paper 5, volume 1, page 5.22. I understand that the number of escapees from correctional facilities is at an all time low this year. Can the minister inform me whether this is correct?

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: I thank the member for Hartley for his question. I will answer him in a minute. Referring to the comment from my colleague the shadow spokesperson about whether there is a quota—that is, whether there is a quota of how many are allowed out—I do not know what the Labor governments do around Australia, but I am certainly very happy to report to the shadow spokesperson that the Olsen Liberal government has a zero quota for people whom we want escaping in a year. I just want to put that on the record. That is a contrast to some of the Labor states, the figures for which I am also happy to put on the record.

We have about 11 days to go in this month and, if we get through the next 11 days, I will be able to report that we have achieved a record (irrespective of whether it is a Liberal or a Labor government) with respect to the number of escapes. In fact, at this time, for the 2000-01 financial year, officially, there have been only two escapes from South Australian prisons. It is a good record, and it is one that I am pleased to have on the public record. I know that Jan McMahon will not write me a letter saying, 'Thanks, Robert, for the good job you have done there,' but I am sure that a lot of my constituents and other people in the community will acknowledge the good work of the department.

I want to place on the public record again the commitment of the department (from my CEO right across the department) to manage prisoners in a fair and reasonable way and to make sure that they remain incarcerated. Part of the reason is our capital works program. The member for Gordon will be pleased to know that, although his is the most modern prison in South Australia, we have reached the stage now where we are just about to complete a significant capital works upgrade with respect to security. I will not go into all that, because I do not want to tell people what we do. Suffice to say that the security improvements around the South Australian prison system (including Mount Gambier Prison, when it is completed in the very near future) will be as good as I understand one can get when it comes to surveillance, energisers, sterile

zones and all the fencing procedures and construction. I will let members know what has happened in a few other states during the same period. Dr Geoff Gallop, the Premier of Western Australia—

Mr KOUTSANTONIS: Premier Gallop.

The Hon. R.L. BROKENSHIRE: —Premier Gallop—has had 69 escapes for the year so far. Premier Bob Carr (he has been Premier for a while) has had 64. Premier—

Mr Koutsantonis interjecting:

The Hon. R.L. BROKENSHIRE: Don't get upset. I'm just showing you the differences between Liberal and Labor.

Mr Koutsantonis interjecting:

The Hon. R.L. BROKENSHIRE: No. It is how you secure them, irrespective of the number. Victoria, under Bracks, has had 14 escapes. Peter Beattie (the man who was going to fix all the issues there and dumped on his colleagues to get there) has had four escapes, and Tasmania has had four. If one looks at the comparisons, I think the department has done pretty well here. I think that covers it, except to say again that I appreciate the case management, the sciences and the general commitment of the prison officers in South Australia to ensure proper management practices in the Correctional Services Department of South Australia.

Mr McEWEN: Given that half the number of all the escapes that occurred in South Australia came from Group 4 Mount Gambier Prison—

An honourable member interjecting:

Mr McEWEN: Half of two is one, isn't it? You can make a headline out of anything if you want to. Will the minister inform the committee about the situation regarding the Group 4 contract? It is due for renewal this financial year, is it not? What is happening with the outsourcing of the management of the prison?

The Hon. R.L. BROKENSHIRE: I thank the honourable member for his question and his interest in the Mount Gambier Prison. Whilst I acknowledge that Group 4 did have one escape this year from Mount Gambier, I would have to say that Group 4's escape record is excellent, from the point of view of the minimum amount of escapes that it has had in the prison system. If my memory serves me correctly, I think that is probably the first person who has escaped under Group 4 management in the prison—and I am not referring to escorts: we had a situation at the Royal Adelaide Hospital last year. But I think I am right in saying that. Group 4 and its staff are to be congratulated on that.

The original contract with Group 4 for the management and operation of the Mount Gambier Prison was established in June 1995. The effectiveness of the contract has been monitored on an ongoing basis by both the department and me. There have been a number of reviews. If anyone would like to read the review, I have tabled a copy in the library here. I know that most members spend a lot of time in there, and if they have not reached that section yet I recommend that they go and look at that review, because it is a public record. If Ian Gilfillan happens to read this, rather than his creating the innuendo that he seems to delight in creating and always forgetting the facts—rather, he is into the fiction—I would suggest that he spend a bit of time in the library. Perhaps, Pat, you could show him where to go to the relevant section.

The term of the first contract with Group 4 was for five years. That ended on 27 June 2000. Under the existing contract, the Crown had three options: to extend, to renew or to replace. Prior to making any decision, a further review of the contract was initiated by a committee of independent people (outside the department, I might add) and, based on the advice provided to the government that the contract had been operationally effective and had resulted in value for money for the South Australian taxpayers and an analysis of available options, cabinet approved negotiations to be undertaken with Group 4 with a view to renewing the contract and, accordingly, Group 4 was advised. Negotiations between the Crown and Group 4 were conducted and an agreement was reached with respect to new terms and conditions. A renewed contract was formed for five years, with the new contract becoming effective on 27 June 2000. The advice given to me by the department and also the Crown's negotiating team was that the terms, when combined with the benefits to be derived by the Crown, represented a reasonable value for money outcome for government and taxpayers.

The renewed contract incorporates a number of changes to ensure that it remains focused on meeting the strategic needs of the department, and will ensure that the Mount Gambier Prison continues to be an effective and efficient element of South Australian correctional services. As the honourable member knows, the economic value to Mount Gambier as a result of that prison and the staff and their commitment is all good for the South-East.

Mr SCALZI: I again refer to budget paper 5, volume 1, page 5.22. The Mobile Work Camps program has been operating for several years now. Has this program been successful, and are there any plans to expand it in the future?

Mr Koutsantonis interjecting:

The Hon. R.L. BROKENSHIRE: It is music to my ears to hear the member for Peake congratulating the government and saying that he and the opposition endorse and support it as a good idea.

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: Whether or not the opposition does I am not sure. But, certainly, the member for Peake has acknowledged that—and it would not be the first time that the member for Peake has been off side to the rest, or part, of his party. But he does acknowledge it: so do I. MOWCAMPS are a good initiative. We have to remember that 98 per cent of all the people who enter prison come out at some stage. As well as their paying the penalty for what they have inflicted on the community, we have to get them ready to go back into mainstream society. That is what we have been doing with the MOWCAMP program as part of the case management procedure within the department.

The program is staffed by a coordinator and five field supervisors. Generally, the prisoners are absent from prison for about three weeks. They have contributed $1 133 888 to the community: they have done a lot of work. I will not go into all of it, but I will give an example. I know that they have painted the Institute Hall at Waikerie; they have done the school at Cadell; they have done a lot of work on some of the islands; they have been involved in Mallee fowl surveys; they have got rid of a lot of pest plants in parks; they have been involved in signs, road repairs, walking trail maintenance, waste management and they have removed a lot of fencing; and, importantly, they also have been involved in cutting a lot of timber ready for the Centenary of Federation paddle steamer re-enactment to Goolwa in October—and I encourage all members of parliament to come along and have a great weekend.

There has been a memorandum of understanding with the Department of Environment and Heritage since 1988 on what it does in national parks. I could talk all night about MOWCAMPS and the benefit to the community of that

initiative. However, because I am so bipartisan I will hand back to you, Mr Chairman, to go back to the opposition.

Mr SNELLING: The CEO said that there were two ways of monitoring an inmate on suicide watch: the first was the actual physical observation of the inmate and the second was observation through a camera. What was the practice before the installation of the infra-red camera? Was it actual physical observation?

The Hon. R.L. BROKENSHIRE: I will get my CEO to go into specific detail on that. I have been into G Division, which is the primary area of solitary confinement and where you have to focus particularly on the management of individual prisoners more than anywhere else in the prison system in South Australia. I have had a look at the control room and how the officers monitor. I have seen a situation where, with a difficult to manage prisoner, three prison officers were involved in the escort of the prisoner to shower and the management of that.

I understand that it is a combination of human resources together with technology. Where possible and practical I would support my CEO if he were to make decisions to further improve surveillance through technology, because that makes good sense for everybody. I do not have a problem with that as long as my CEO is comfortable that everything is being managed appropriately. Having said that, I will ask my CEO to go into more detail.

Mr PAGET: There are a range of people who come into the system and we have to make judgments on what sort of risks they present. Some of them present risks that warrant treatment that others may say is not standard, that is, they might spend two weeks in G Division and we might send them up to, say, James Nash House for two weeks. Others are on observation regimes that reflect prior recommendations of coroners when something unfortunate has happened in the past.

Over the past three years we have had a major upgrade in the security. The quality of camera technology that is available now has made a significant difference to the security of the prison system. Part of that is using technology, and it is not just the cameras. I do not want to go into it too much but we apply a lot of technology that has never been applied in this department. There are movement detectors in places where there were never movement detectors before; there are infra-red systems on walls that were never there before; and there are electronic fences where there were never electronic fences before. So using technology is by no means uncommon.

In this particular case, initially when the person that you are inquiring about came in they were under camera observation in a high security cell. It was deemed that that was not an appropriate place to keep somebody indefinitely or for long periods and we were not sure for how long. But still, we were very conscious of the risks because of prior experience with such people. We do not have a range of cameras in that unit, so I ordered one to be put in so that I could keep an eye on it rather than keep an officer sitting outside the cell on a chair 24 hours a day keeping an eye on the person.

That is about risk management. Issues about how the department and South Australian Forensic Health Services manages its risks are well documented in successive coronial inquiries. We are acutely conscious of this case and I wanted, instead of an officer sitting there, which is not the way I think an officer should be deployed particularly when one has a control room with an officer monitoring it, to put another monitor in there. That monitor and camera, regardless of who stays in there, is an asset for that division from now until eternity for other people who may come in and who may exhibit symptoms which make us determine there is a high risk which needs to be managed.

So we put an infra-red camera in there. There are other infra-red systems around elsewhere in the system as well as for the same purpose of keeping an eye on people whom we deem to be fragile. If you talk to people such as the Aboriginal Justice Advisory Council, it will tell you that one reason why we have a recent decent record on deaths in custody is not simply good luck but pretty good management, and it is management of that risk. This is just another chapter in managing risk, clearly with a person who attracts public interest.

The Hon. R.L. BROKENSHIRE: As I said earlier, and after listening to what my CEO has said, if there are any opportunities through technology to further improve the safety and management of the prison system, and particularly that most difficult section—and there is no more difficult section to manage for corrections—and for the safety and well-being of the officers, which is paramount to me as minister as well as to my CEO, I would encourage and support further technological development in that area especially.

Mr SNELLING: As a supplementary question, when an officer is posted to physically watch an inmate, is that done during the night hours in darkness or is the light left on in the inmate's cell so that the officer can physically see the inmate?

The Hon. R.L. BROKENSHIRE: I will refer that to my CEO.

Mr PAGET: If I recall, the initial circumstances were that the General Manager, who was very conscious of a new risk in her establishment, had directed an officer be placed outside the cell to keep a 24 hour watch on the person. I do not know but I would presume that to do that watch there would have had to be a light on in the cell. Yes, that is right, there would have been a light in the cell clearly to give the officer vision. Technology allows us not to have to do that with somebody whom we determine to be a high risk.

Mr SNELLING: I understand that an infra-red camera is far more expensive than an ordinary closed circuit television camera. You are talking night vision equipment, which I imagine is quite a costly thing. I applaud the efforts the department obviously is making to ensure the protection of inmates from themselves, but it does seem a little odd that you would go to the additional expense of having night vision equipment installed in a cell when it would appear that it would be possible to have a normal closed circuit camera in the cell and leave the light on, which has been the practice up until now.

The Hon. R.L. BROKENSHIRE: My CEO said that this equipment came from Mount Gambier. As a result of some of the other significant state of the art upgrades that we are doing in Mount Gambier, as I highlighted to you just a while ago, there has not been a major cost in this. In the interests of prisoners and the staff, if we are able to relocate or purchase technology in the future at an affordable rate which will allow better safety for both prisoners and the staff, I would strongly support what my CEO is doing.

I cannot share with the committee tonight some of the detailed reports and briefings that I have read, but I would stress that a number of people in the prison system are very much at risk, not just this person, and we need to be able to do the best we can to manage and eliminate where possible those risks, otherwise I know that the two people on which

the media will be most focused is my CEO and me; and in the House of Assembly I am sure that I would be interrogated by members on the other side. We will do our best to put in the best practices possible according to our financial ability.

Mr SNELLING: Can the minister appreciate the possible public annoyance, or perhaps even outcry, that this equipment has been installed at the same time, apparently coincidentally, as the incarceration of this high profile person? I understand that the minister is saying that this is upgrading of the facilities, but it seems just a little too coincidental—I am sure those of us in the committee understand but people out in the street may not—that this equipment should be installed at precisely the same time as the incarceration of inmate Liddy.

The Hon. R.L. BROKENSHIRE: From time to time coincidences occur. I guess that one coincidence my CEO, staff and I would like not to have occurred relates to an escape earlier this year within the prison system, that is, while a person was actually in a Group 4 prison. That escape occurred during the installation of the new state-of-the-art technology. I say 'state-of-the-art' not lightly because the department developed this very efficient but effective technology internally. Had that technology been installed at that time I do not think that the prisoner would have escaped.

Yes, there is a coincidence that some of this technology became available, but it occurred right at the moment that we were upgrading security at our last prison in South Australia. From my point of view, it is a good coincidence. Again, one needs to understand that that matter is still sub judice. An appeal is in process and there are obligations. I can understand the honourable member's comments that some people in the community might look at that from an adverse point of view, but I suggest to him that another percentage of the community would say that they would like to see proper management processes in every way so that due processes through the judiciary and the penal system can be followed through in their entirety.

There is a mixed view on anything like this in the community, but I certainly stand by my CEO and his decisions because I believe they are in the best interests of the department, the prisoner and the prison officers.

Mr SNELLING: As a supplementary question, does the minister acknowledge that there may be a perception in the community arising from what we have discovered tonight in the committee? Does the minister acknowledge that the community may develop a perception that inmate Liddy is receiving some sort of favourable treatment?

The Hon. R.L. BROKENSHIRE: I do not acknowledge that, unless someone wants to issue a press release to try to put around rumour and innuendo, which I am used to, and certain angles coming into play in terms of reporting. No, I do not acknowledge that at all. A number of prisoners have special issues concerned with their management. That is not new; it happens all the time. People from all walks of life come into the prison system. The comment 'there but for the grace of God go I' probably applies to all of the community. A broad cross-section of the community comes into the prison system. We have a job to manage the system properly and I will back my CEO and my department. In fact, I make this statement on this issue: at the moment I will back this department in South Australia against any other department in Australia with respect to the way in which it is managing the prison system.

The CHAIRMAN: I would hope that it would not be politicised, but it will be interesting to see what happens.

Mr KOUTSANTONIS: I am sure that the minister is doing his best to make sure that Mr Liddy gets his sleep. I wanted to ask a question about procedures in Yatala under the direction of the general manager in terms of the location of narcotics in cells. It has come to my attention that a procedure is in place if narcotics are found in a cell. Will the minister or the CEO detail the procedure?

The Hon. R.L. BROKENSHIRE: In fairness to the honourable member, I trust that he would agree with my putting on the public record that he supports the government and the department in our commitment to keep not only narcotics but all illicit drugs out of the prison system.

Mr Koutsantonis interjecting:

The Hon. R.L. BROKENSHIRE: He does so and I applaud him for that. I will ask my CEO to provide specifics on narcotics in Yatala because he would have a better understanding of that than I. What I would like to capitalise on for a short while is the government's commitment, and the department's, to eliminate as much as possible illicit drugs from the prison system. I have said it on the public record previously and I will say again that I am not aware of any prison system in the world that does not, unfortunately, have some illicit drugs. We are about trying to make it as difficult as possible to have illicit drugs in the prison system. Dogs are involved in this program and we have a range of intelligence measures in place.

The officers are doing a great job in terms of detection. The honourable member would have seen from the media in recent times how successful we have been in eliminating illicit drugs from the prison system and stopping their coming into the system. I will certainly have a smile on my face every time someone who tries to traffic drugs into the prison system is caught. I would love to see them given the highest possible sentence because illicit drugs is an issue about which I am deeply concerned, as all members would acknowledge. I think it is the absolute pits when people try to push drugs into the prison system, bearing in mind what I said earlier tonight that 70 per cent of all people in the prison system already have a drug or alcohol problem.

Why people would not give us, as a government and as a department, the best chance to detoxify and rehabilitate those people and give them a chance to go back into mainstream society as contributors is absolutely beyond me. I will say one final thing before I hand over to my CEO. Always in my mind is a prisoner who had a drug addiction. We did our best to keep that prisoner away from illicit drugs but within one day of leaving prison police found that that person had overdosed. When people take drugs into a prison it is just the pits. We will go harder as a government and as a department to detect those people. No stone will be left unturned to eliminate drug introduction into our prisons.

Mr PAGET: We manage the issue from both a demand and supply perspective. We try to balance the question of demand by addressing why it is the offender or the prisoner is resorting to drug use, and that is through a range of programs with which the committee is probably familiar. That then must be balanced with the issue of supply. In the past few years we have been rather fortunate in being able to create the Intelligence and Investigation Unit, which has had a lot of success in intercepting the flow of drugs into the prison system. People have exploited some of the technologies that are available to us now that have not been available in the past. It has previously been announced the number of visitors who have been banned and the number of people who

have been charged, and we have worked fairly closely with the police.

In terms of what happens in the cell, there is also a fairly vigorous searching regime. I recently documented some information as a result of a question raised about that. I do not have the detail with me but it was forwarded to the PSA, which sought advice on what sort of searching had taken place, and the General Manager at Yatala provided a detailed response to that which, essentially, if I recall, showed that every division in Yatala had been searched in the last three months. It was a very active program of searching that she had put in place there. Clearly, there was a lot of interest in this issue about drugs and alleged weapons found in there. We knew about that through the intelligence unit. Have I answered your question?

Mr KOUTSANTONIS: I will explain to you what I am after. It has come to my attention that, if a prisoner is caught in possession of, let us say, marijuana, they are told that it is not to be recorded as an offence against the prisoner. They are sat at the end of their bed and they are asked, 'Why did you feel the need to have these drugs? Are you having problems at home? Did you have a bad visit? Did you have a bad phone call? Is there any reason you need this drug?' The drug is simply confiscated, sometimes it is not confiscated, and there are no charges pressed against the prisoner. If this is the operational procedure at Yatala, it does not seem to be the same policy that the minister just outlined in his statement about being tough on drugs in prisons.

Mr PAGET: I understand what this is about now. This is about a policy of differential sanctions. All correctional jurisdictions around the world, particularly in the Western world, are concerned about how to manage people who are on heroin, on hard drugs or on marijuana. There have been numerous cases where correctional jurisdictions have come down very hard on people using marijuana, which stays in the urine for a long time. Prisoners then decide that the safe thing to do is to use heroin, which does not stay in the urine for a long time for urine testing purposes. So, if you are not sensible in the way you handle drug use in the prison setting, you drive people into using the harder drugs; you drive people into intravenous drug use. If you want to establish the prisons as a repository of infection of HIV and hepatitis, that is the way to do it—to drive people from marijuana use into cocaine use, into heroin use, and into these risky injecting behaviours.

There have been very good cases, notably in Europe, where that has happened and there has been an outbreak of HIV. Most informed medical opinion in Australia recognises that this issue has to be handled sensibly, with the same sort of principles with which the police will react to a person who is speeding at 10 kilometres over the speed limit, as opposed to 30 kilometres or 50 kilometres or whatever: it is a differential sanction. We are trying to ensure that we do not create a situation where the prisons become crucibles of infection for the community. Remember, 80 per cent to 90 per cent of these people are going to go back out into the community and engage in sexual activity. The World Health Organisation views and people like ANCARD in Canberra support the notion of differential sanctions.

We are in the process of negotiating how we will do that in the correctional setting with the PSA. There are different views on this but I can tell you right now that I dealt with a case yesterday of an Aboriginal woman who was on a particular program that I was very supportive of, but she came back with a dirty urine sample for cannabis and she is off the program. So, at the moment we do not have differential sanctions in it, but we are moving in that direction. It is not about being easy on marijuana: it is about sensibly managing the risks of injecting behaviour and ensuring that you do not create in the prisons a situation—as many observers, particularly in the medical field in Australia, comment—that will undermine health policy with respect to HIV and hepatitis infection in the Australian community.

If you want to set up the prisons to be a cesspool of infection, you encourage injecting behaviour and have a rigid approach to the management of drug use across all categories. That is what differential sanctions are about. It was part of the DCS drug strategy that was put together in 1996 by community groups, the health department and corrections.

Mr KOUTSANTONIS: I am stunned by that answer because it is good to see a refreshing bit of honesty from the CEO rather than hypocrisy from the minister.

The CHAIRMAN: That statement is unfair in terms of executive members. Those sort of comments can be made about members of parliament, but in terms of executive members of the Public Service it is unfair.

Mr KOUTSANTONIS: It was very refreshing. The government's policy is different from what is stated. With regard to the spread of infectious disease throughout prisons, I understand that a number of people are identified in prison, despite its being kept confidential, as having hepatitis and HIV. It concerns me as I understand that people with infectious diseases like hepatitis are not restricted from kitchen duty in the prison system and these people are somehow unfortunately known to the prison population as having these diseases and it causes a great deal of anxiety amongst the population in the prison. Will the minister explain why people with infectious diseases are allowed to work in the kitchen?

The Hon. R.L. BROKENSHIRE: I will let the CEO answer that. Hepatitis, as the honourable member has highlighted, is a significant issue in the prison system. Management practices have to be carefully implemented on a day-to-day basis, whether they are working in the kitchen, showering or are involved in a range of activities. I have spoken to my CEO a few times and he is acutely aware of the issues of potential cross-infection for prisoners and the importance of protecting prison officers. From my understanding and from my own observations, every possible practice is put in place to ensure that those difficult issues around transmissible diseases and general health are managed.

Mr PAGET: This policy is informed by legislation and one has to be careful not to step over anti-discrimination legislation. There are vectors for the transmission of HIV, hepatitis B, C and A, which are different. You cannot assume that working in a kitchen, if you have HIV, will provide a vector for the transmission of that disease. There have been cases—and the Anti-discrimination Board has documented them quite thoroughly—of how you can discriminate against people who have infectious diseases and you cannot by blanket exclude them from those employment opportunities. We inform by legislation and determinations of such tribunals. It is quite clear. It is a problem that comes up in all jurisdictions, but it is clearly governed by the decisions of tribunals and legislation.

Mr CONLON: I will have one last question on corrections and we can move on to something else. It has been most instructive. I refer to James Nash House, which I understand is an institution for those who are mentally ill and have

engaged in some sort of criminal activity or otherwise offended the justice system—is that right?

The Hon. R.L. BROKENSHIRE: Yes.

Mr CONLON: I am advised that James Nash House also houses people who are simply castaways of the mental health system. Do we have ordinary mental health people at James Nash House?

Mr PAGET: There are two categories: people who are offenders and people who are referred through the court process. James Nash House does not come under our purview—it is a health facility.

Mr CONLON: I may have the wrong information, but there are people at James Nash House who should be treated by the mental health system proper and there are people as a result who should be at James Nash House as they suffer mental illness but are in the prison system proper—would that be the case?

The Hon. R.L. BROKENSHIRE: The issue of mental health is a complex and diverse issue for the community generally. I suggest that with statements I made earlier today in this chamber that it will only get more difficult. Whilst I said that 70 per cent of men and women in the prison system have a drug or alcohol problem, you will find that there is equally a high percentage of people with a mental health problem and sometimes sadly that leads them into crime. I do not think there is any easy answer to the issue of mental health. It is something the parliament and the community need to be bipartisan on as we try to develop better management practices.

Mr CONLON: I am concerned that people are in the prison system but should be in James Nash House; I am concerned that James Nash House may be picking up the strain of the mental health system. That is not a good system if that is the case.

The Hon. R.L. BROKENSHIRE: Personally I am not aware that that is the case. I have not had that advice. It is a question you could take up with the Minister for Human Services. There is a good working relationship between James Nash House and the Department of Correctional Services both ways, that is, people who come into James Nash House and go into the mainstream prison system and at times when we need to relocate people from the prison system back into James Nash House. You would have to take it up with the human services minister as I am not aware of that being the case. I reinforce the fact that mental health will be an ongoing challenge for our community, like any community in the western world.

Mr KOUTSANTONIS: Will the minister explain, on notice, why prisoners are allowed laptops in their cells and has any prisoner attempted to establish a website while in prison?

The Hon. R.L. BROKENSHIRE: I will take that question on notice and will be happy to look at the information as it comes across my desk.

Additional Departmental Advisers:

Mr T. Wiedeman, Acting Chief Executive Officer, Country Fire Service.

Mr M. Hanson, Department of Justice.

Mr F. McGuiness, Manager, Emergency Services Fund.

Mr MEIER: I refer to budget paper 5, Volume 1, page 572. Will the minister provide details of how the Country Fire Service will benefit from the additional funding announced in the budget, and what capital works are planned to be undertaken? As the minister would fully appreciate, I was pleased to note in the recent budget that there is a proposal to fund a joint CFS-ambulance station at Port Wakefield. Will the minister also provide some additional details of that?

The Hon. R.L. BROKENSHIRE: I understand why the honourable member would be delighted with the announcement in the budget of a new CFS-South Australian Ambulance station at Port Wakefield. Sadly, there is a lot of demand for emergency services around Port Wakefield. I note that it is a growing tourism area with Yorke Peninsula and the Flinders Ranges being on the main road to the gateway to the Outback. We have seen far too much road carnage in this area. The member for Goyder is concerned about that, as are his constituents. From an emergency services point of view, we want to provide the best possible equipment and buildings for the volunteers and paid staff to be able to get out there and protect our community.

I am pleased to say that there is a significant capital works budget for the CFS. In fact, the total amount of money that has been committed to the CFS over the next six months is $11.5 million. This is a record budget for the CFS by a long shot. It is a record budget when it comes to capital works. There is $8 million in the existing budget for the CFS and another $3.5 million that I have just approved as a second roll-out of capital works for this current financial year. We will see new stations and an additional 24Ps (2 000 litre four-wheel drive appliances) being built.

We still have a lot of work to do when it comes to PPE and catch-up. There is still a backlog, but we are getting there. It takes time, but we will see a significant improvement in capital works expenditure this year when you consider that $11.5 million will be spent or has been committed over the next six months. When you consider that between CFS and SES prior to the new fund there was a total spend of about $23 million in one year and $18 million each year, it is a big increase and justifiably so for those volunteers who look after us all.

Mr MEIER: Do you have a figure for the Port Wakefield CFS-ambulance station?

The Hon. R.L. BROKENSHIRE: I do not have a specific figure. We have a ballpark figure, but clearly we have to call tenders. I am about spending taxpayers' dollars as wisely as possible. So, we will not put on the public record at this stage what we think it might cost. Rest assured, the community of Port Wakefield can be reassured that they will have a nice facility once it is built.

Mr McEWEN: Given that the Hon. John Dawkins told a recent South-East local government meeting that instances of cemeteries being given ESL notices would not have happened if the collection was in the hands of local government, do you intend to introduce the Hon. John Dawkins to a cemetery?

The Hon. R.L. BROKENSHIRE: I do not intend to introduce the Hon. John Dawkins to a cemetery. He is an exceptionally good member. He highlighted concerns that had been raised about whether or not local government could have or should have collected the levy. That is pretty old news, because I have spoken about it ad nauseam since I have been privileged to be the minister. The actual processes occurred prior to my getting the portfolio, but I know that one of the strongest representations that I had on any issue when I was first given the privilege by the Premier of taking on this portfolio was that councils came to me and said that they did not want to collect the levy.

I have acknowledged that it may have been easier and better, but the 68 councils were not able to reach agreement for various reasons. They have got a lot of benefits out of the emergency services fund, and I hope they spend those benefits wisely. I particularly hope that they are extremely transparent in how they do that. I applaud and congratulate councils such as Alexandrina, Mount Remarkable and Robe which have been very transparent. There are a few councils that could take a lesson from them.

With respect to emergency services and the payment of the levy, the act which passed the parliament in 1998 requires a levy to be assessed against all land. When it is considered that some councils probably underwrote that themselves, most of the bigger councils had structures like chapels, crematoriums and other facilities that needed protection, and they should have been paying before. We also need to remember that this fund is not only about fire but it is about SES, flood and all those sorts of issues.

Mr CONLON: I will come back to the matter that was raised by the member for Gordon because some of your own members were less than frank when talking at the same meeting.

The Hon. R.L. BROKENSHIRE: The same meeting?

Mr CONLON: The meeting that John Dawkins was at. The member for Mackillop said some things that were clearly and egregiously wrong, but I will come back to those. On the CFS, you recently made a ministerial statement in regard to pagers and, as I understand it, the replacement of the existing 6 000 pagers with 6 500 new pagers. I assume that it was always the intention to roll out, therefore, 12 500 pagers, and the first 6 000 had been rolled out and you placed an order for a new model. If that is correct, are the 6 500 pagers a more expensive model than the original 6 000 pagers?

The Hon. R.L. BROKENSHIRE: Overall, the honourable member is right in saying that we rolled out about 6 000 initially, that it was intended to roll out about another 6 500, and it is my intention, subject to capacity, to roll out further pagers down the track. One of the things that I have been very keen to see for a long time is the roll-out of pagers to all active members of the CFS and the SES because, as we further develop the GRN (and, whilst the GRN is a separate issue to pagers, they do have some interface), it is important that we upgrade these sorts of opportunities for those volunteers.

Samsung agreed, from my understanding, that it would replace the first 6 000 pagers at the same cost, although from a Samsung point of view they would have been slightly more expensive than the pager that was originally believed to be adequate to do the job, but the next 6 500 and any pagers over and above that would cost some more money. I think that members will find that it is around the $20 mark.

Mr CONLON: It is $22.

The Hon. R.L. BROKENSHIRE: Approximately that figure. There have been some changes as well since then, things like our currency. Everybody knows that it is good if you are exporting but it is not so good if you are importing and that has had some impact. I know that a number of people want to play politics with the pagers, and I will wear that as minister because that is part of my job, but it is also my responsibility to try to improve opportunities for emergency services workers. Knowing what we had before with the paging system, and having been involved in fundraising for one in my own brigade and vividly remembering climbing up the tower to bolt on the aerial and all the rest that we had to do then, to have an integrated paging system particularly with strike teams and the way we manage the CFS today, it is good value for money because we have the functionality, we have the difficult job of trying to get a paging system to work as best it can for all geographical circumstances in the state. We have been able to come up with a good product and there has been some additional cost, I acknowledge, on those over and above what we immediately replaced.

Mr CONLON: With the greatest respect, it is hardly playing politics to point out that you had to replace the first 6 000 pagers. To be accused of playing politics when we point out that the first 6 000 pagers you rolled out were no good and you had to replace them is somewhat of a denial on your part. I am told that, just a week ago, you guaranteed that there was no blow-out in the government radio network, but these pagers are more expensive. The two do not add up. Even if it is only $22 per pager, on my sums you are looking at $150 000 or something like that more than you were going to pay. I do not want to get into a debate with you about that, but I would like your assurance that you are absolutely certain that the first 6 000 were being replaced courtesy of Samsung at no additional cost.

The Hon. R.L. BROKENSHIRE: The advice given to me by my department is that the first 6 000 are being replaced at no additional cost, but I acknowledge that there will be additional cost on the others. Some of the additional pagers down the track will not be paid for out of the GRN money because I want to see an opportunity to expand the paging network across the state. I will continue to do whatever I can to get the best possible paging system across this state because it will be such an important tool in the future. Whilst the 6 000 original pagers were all replaced, in many circumstances—in fact, in the majority of circumstances—we did not have to have them replaced, but it was decided that, given that we could organise this arrangement with Samsung, which has been keen to be a good corporate citizen with respect to this because of the opportunities for that company, the whole lot were replaced.

Mr CONLON: I move on to the recent legislative changes to the Road Traffic Act. Can the minister assure us that, as a result of those changes, CFS vehicles are not over any legal limit? It has been suggested to me that some CFS vehicles and their load limits no longer comply with the legislative changes to the Road Traffic Act. I am trusting that that is not the case. I would be worried if volunteers became liable for driving a vehicle that is over limit.

The Hon. R.L. BROKENSHIRE: This is not a new point. Well before I became minister, I openly acknowledged that we had a situation with overweight vehicles in some brigades. That is acknowledged on the public record and I do not walk away from it. Part of that came about from the broadening out of the CFS workload: that is, in its strictest terms, CFS is really fire and rescue, it is very similar to SAMFS, and in the future there will be a broadening out of the fire and rescue componentry. We have been crediting CFS brigades in agreed locations with road accident rescue accreditation.

It is that extra equipment (and members have probably seen some of that stuff; it is not light) that has just tipped some of them overweight. In our vehicle replacement programs we have been managing that to relocate them—and I would have to say that it has been a lot easier for me with the new emergency services fund to do this than was the case previously. I was tearing my hair out when I first became minister as to how we would ever address overweight vehicles when we had 68 councils, some more committed

than others to replacing vehicles. We were not able to change them across groups, across council boundaries.

By virtue of the new fund and the flexibility in managing the fleet, we are able to shift a lot of those vehicles (because they are still fairly new vehicles; they are often only a few years old) across to areas where they could upgrade a vehicle but did not need the other equipment, and so on, on them. For the rest we have provided alternative vehicle support until such time as we can upgrade the last of them. But I reinforce to the member that my commitment, and that of the CFS board and management, is to prioritise the rearrangement of the fleet to overcome the overweight vehicles. In fact, I think only a small percentage (as I understand from my last briefing) are still overweight.

I acknowledge the problem, I am addressing it, and I think the outcome in the long term will be good. When the VFBA first spoke to me, when I first became minister, 100 vehicles were in doubt and 50 certainly were confirmed as being overweight. We have been able to reduce that way back and, with the record capital works spend that I have announced, we should be able to clean that up during this next financial year.

Mr CONLON: I certainly hope that consideration has been given to the liability of any of the volunteers. There is one last issue on the CFS. I am advised that a particular brigade—the Emu Flat Country Fire Service—about five years ago got its own money together and purchased a vehicle. But recently this vehicle, as I understand it, has been taken over by ESAU headquarters, I assume it is, and registered in its name. I am not quite sure that this vehicle belongs to the Country Fire Service or ESAU and that we can take it off them. It does raise some interesting legal questions. The minister might want to look at that and get back to me and make sure that we have not taken someone else's vehicle off them.

The Hon. R.L. BROKENSHIRE: With respect to that matter, there were two or three options before. It was a dog's breakfast. You were either in a situation where you were blessed with a lot of support from your local council or you were in a situation where you were on a wing and a prayer when it came to opportunities for new vehicles. I have been down that track myself with our brigade—albeit I acknowledge that the old Port Elliott and Goolwa Council (and now the Alexandrina Council) was always very supportive. We at home went to the auctions and bought second-hand four wheel drives not that many years ago. We built the bodies on them ourselves and we had a contribution to those trucks through our sausage sizzles and, interestingly enough, the emergency services levy that we had at Mount Compass many years ago under a Labor government.

I do not think that the then minister minded the fact that we were raising money to help fund the CFS. We did not at that stage have a bone to pick with the Labor government over the fact that it was not giving us enough; we just battled on. Having said that, when it came to transition, clearly, there had to be some changes. What I have said to my CEO and board is that the day-to-day care, management, control and placement of those vehicles in the future will be at operational discretion—not at ESAU's, I might add. People give ESAU a whack for different reasons, but ESAU clearly has no operational decision-making. That is clearly the decision of the board and paid staff, in consultation with the volunteers. If we are to pay maintenance, fuel, repairs and look at changing over these vehicles to upgrade and improve them, I think it is fair and reasonable that management processes are integrated between that particular brigade and the CFS as a state wide organisation.

I have always said (and I have put it in writing a number of times where it has been raised) that if a brigade or a group, for some reason, wants to claim that that vehicle should stay there, it will do so, subject to the fact that, if I can illustrate through the CFS board and the operational paid staff that we can replace it with a better vehicle, that is something we will put up to them. If Emu Flat has a particular problem, the member should let me know. Obviously, we are paying the registration and all those sorts of things now, which I think they would want us to pay. From my understanding of the legal advice I have had, the fact that someone pays for the registration does not necessarily mean, at law, that you own the vehicle. So, I do not really think that Emu Flat has a problem.

But to Emu Flat and to all brigades and groups I say: if there are any issues, they should work through their chain of command. It is an open shop, and if they work through their chain of command they will get the best possible outcome. If, at the end of that, they are still not happy, obviously, under a democratic society, they have an opportunity to come and speak to me as minister. But, in the best interests of the growth and development of the CFS as a state wide organisation, if they have a problem they should talk to their captain, talk to their group officer, get the group officer to talk to their commander. If the commander is not relaying through they should go to Stuart Ellis and, ultimately, if there is still a problem, they should write to me.

Mr CONLON: I wish to ask a question about state emergency services. In the minister's ministerial statement he indicated that the GRN is covering some 30 kilometres into Victoria and, to achieve full operational capacity, terminals will be placed in Victorian SES vehicles to remove any barriers to communications. One of the criticisms that we made a long time ago about the nature of the new radio system was that it was not the same system as the Victorian CFA (I think they call themselves), or the SES use. I am a little concerned that we are purchasing radio terminals for Victorian vehicles. Are we seeking any contribution from the Victorians for putting our radios in their cars?

The Hon. R.L. BROKENSHIRE: We are doing an interchange. We are working fairly well with the Bracks government—

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: Yes. In fact, this shows how well an ongoing Liberal government could work with a Labor government in the future—between the Liberal Olsen government in South Australia and the Labor Bracks government in Victoria. The situation is that is we are swapping some over. It is important in those boundary areas that we have communication systems that integrate. The last thing we want is the old railway system, when you think about it.

Mr CONLON: That was a problem with the CFS and the CFA in some of those big conservation parks, or forests, in the South-East.

The Hon. R.L. BROKENSHIRE: Exactly—and I acknowledge that. Ngarkat is an example of that. So, we have worked well together and, in fact, with respect to all the brigades running up through the Victorian border, we have made sure that they have a radio in one of their trucks that can communicate with the CFA, and we are swapping radios. Some of our radios are going to SES vehicles in Victoria and some of theirs are coming into our state. So, we need to do

that. I will watch the situation with interest, given the issues around banding and the federal government's Australian Communications Authority's requirements with the primary access to VHF and some of the other problems that the Victorians have with their radio system.

I understand that Victoria is looking very closely at both the New South Wales GRN equivalent and ours, because they will have to upgrade. Whilst I cannot swear to this, advice given to me a while ago was that in the near future—and I am sure Mr Bracks will be able to do this with the massive surplus left by Mr Kennett—that state will be able to implement a better radio system similar to the one we have in this state.

Mr CONLON: I refer to the issue raised earlier about the emergency services levy by the member for Gordon. The minister and I both sat on a select committee into the emergency services levy, and one of the matters the committee addressed was the cost of collection of that levy. The Local Government Association gave evidence to the committee that was not challenged by any member, and that is why I was somewhat surprised to read the contribution of the Liberal member for MacKillop in the *Border Watch* which stated:

> Mr Williams said the government wanted local government to collect the ESL. The Local Government Association flatly said 'no'. He went on to say that it would not do so because they were playing political agendas. Mr Williams claimed the Labor Party's involvement in the Local Government Association meant that there were now political agendas involved.

Having been the shadow minister for local government, I am not aware of any Labor Party participation in the Local Government Association. The last President of the Local Government Association that I dealt with when I was shadow minister was Rosemary Craddock, and I understand that she held a position of president in some other organisation at some point—as I recall it might have been the Liberal Party.

The minister will recall that one of the suggestions we made was that, rather than the Labor Party opposing local government collecting it, it should have been done that way. The Local Government Association said that it would have been quite happy to deal with you if consideration was being given to it collecting it but it was never asked. That evidence to the select committee was never challenged, and I am sure the minister will not challenge it now. Can the minister tell me—and it might be a difficult question—what is going on in the head of the Liberal member for MacKillop? Will he be so kind as to acquaint the Liberal member for MacKillop with the facts?

The Hon. R.L. BROKENSHIRE: We have just done three laps around Flemington to get to the question. I am not responsible for getting into the head of any member of parliament. I would love to get into the head of a few members of the opposition and work out where they are coming from, but I am not a psychologist or a psychiatrist, and even they would have difficulty doing that. I do not think we need to go back through history, but if you look at the Local Government Association's position on many things—and heaven forbid if you ever get back into government in the next 10 years because we still have a lot of rebuilding to do to fix your last mess—

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: Mr Chairman, I would like a chance. I spend a lot of time with the Local Government Association: it is a good association. One thing I can tell you when you discuss issues with the Local Government Association is that it cannot always broker a deal for 68 councils. I was not the minister at the time, but I had representation from a range of councils who were not happy to collect it. I recall that I have a piece of material from the LGA about that issue which I will ask my staff to call up so I can have another look at it.

I understand that the 68 councils could not agree for a range of reasons: that was the strong representation to me, so we had no other choice. Since I have been minister I have always said that it would be my goal to see a reduction in the collection cost. As the honourable member knows, because he sits on the Economic and Finance Committee, that is starting to come down. I think it is the last $2.05 million of costings budgeted to finish developing the system, and you will see that there has been a reduction in costs over the past couple of years. There is no other opportunity to explore that now because of the issues that I raised.

Mr CONLON: I am astonished that you appear to be attempting to defend the patently false comments of the member for MacKillop. I will repeat what he said. He said that the government wanted local government to collect the emergency services levy and the Local Government Association flatly said no. That is patently false.

Mr Meier interjecting:

Mr CONLON: No, it was not; they were never asked. The minister might want to go to it as well, but let me tell him that they gave evidence to the select committee that they were prepared to do it and prepared to discuss it with him but had never been asked. That evidence was not challenged by a single Liberal member of the committee, and to now be defending a patent falsehood from one of your Liberal members is reprehensible.

The Hon. R.L. BROKENSHIRE: What I would say is that my recollection—and I will look at the file—but—

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: No, that is selective and the member who was a lawyer prior to coming into this—

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: Mr Chairman, I think I need time to answer. I understand that the member was a lawyer prior to coming here and I am sure that he would have liked to look at all the evidence before presenting a case rather than presenting only selective evidence, yet tonight I have seen the member trying to present selective evidence—

Mr CONLON: Is the minister suggesting that the Local Government Association was asked to collect it and said no? Is the minister supporting that statement?

The Hon. R.L. BROKENSHIRE: No, the member is trying to put words into my mouth. What I can tell the member is that I had meetings with the then president and the current CEO of the Local Government Association in the final stages of discussion. There were discussions, but there were extreme difficulties with the LGA getting 68 councils to agree to collect. I believe that if the member was to ring John Comrie tomorrow and say, 'John, is it right or is it wrong that the minister's predecessor discussed this issue with you and you indicated that it was difficult to get the 68 to all agree to a collection system?' he would confirm that.

Mr CONLON: Can I share something with you, minister? You did not talk to them when you wanted them to collect a water levy: you wrote an act to make them do it. The minister had that option this time. It is absolutely—

Mr Meier interjecting:

Mr CONLON: Look, mate, you have risen to the height of your career as government whip, why do you not leave this to people who know what they are talking about?

The CHAIRMAN: The member for Elder knows that it is not acceptable to reflect on members.

Mr CONLON: I am constantly interrupted by this fellow. He is purporting to support a deliberate falsehood told by another Liberal member. I am entitled to pursue it.

The CHAIRMAN: The member is aware that he cannot reflect on any other member. There are opportunities to do that in another place. It is not acceptable to reflect on members and I ask the member to withdraw that comment.

Mr CONLON: Withdraw what?

The CHAIRMAN: Withdraw the fact that—

Mr CONLON: That he has risen to the height of his—

The CHAIRMAN: —one particular member has—

Mr CONLON: Has gone as high as he is ever going to go.

The CHAIRMAN: —perpetrated a falsehood. I do not believe that is reasonable.

Mr MEIER: Higher than you've got.

Mr CONLON: Thank you, I do aspire to the dizzy heights you have reached.

The CHAIRMAN: I ask the member to withdraw the comment that a member was not telling the truth and, in essence, created a falsehood.

Mr CONLON: The member for MacKillop.

The CHAIRMAN: The member said that about the member for MacKillop, who is not here to defend himself. It is not acceptable and I ask the member to withdraw that comment.

Mr CONLON: You ask me to withdraw the comment that he deliberately stated a falsehood: I withdraw that. I will say that the comments printed in the *Border Watch* are completely false. They may not be the comments of the member for MacKillop—I cannot know that—but they are completely false and I think it is reprehensible—

The CHAIRMAN: I think that is a different issue.

Mr CONLON: —for members of the Liberal Party to attempt to defend them, and in particular the comments that somehow the Labor Party had an agenda to get the LGA not to collect the ESL is not only false but it is laughable, and I will leave it at that.

Mr Meier interjecting:

Mr CONLON: It is probably true. The member opposite is also saying that the Labor Party used its offices to get the LGA not to collect the emergency services levy. You are a goose.

The CHAIRMAN: I ask the honourable member to withdraw that comment.

Mr CONLON: Okay, you are not a goose: you are just plainly wrong. I will turn to something else.

The CHAIRMAN: Minister, would you like to respond or make any comments?

The Hon. R.L. BROKENSHIRE: No; I think I have said what I need to say.

The CHAIRMAN: Does the member for Elder have any further questions?

Mr CONLON: Yes. Did the Emergency Services Administrative Unit employ consultants Betros & Associates?

The Hon. R.L. BROKENSHIRE: A number of consultancies have been employed across justice, which I understand my colleague the Attorney-General detailed to the committee today. I could go through all those again. Some consultancies were engaged on behalf of justice to assist with the development of asset management. I acknowledge that publicly and will continue to. It is a good thing because, until now, it did not have a workable strategic management strategy.

Mr CONLON: Minister, you do not know whether Betros & Associates did a consultancy for ESAU?

The Hon. R.L. BROKENSHIRE: Betros & Associates has done a consultancy for CFS, SES and MFS in terms of the ongoing development of a strategic management plan. I have said that across the state. In fact, I am waiting on the final work of Greg Betros & Associates at the moment.

Mr CONLON: Do you have any idea how much that will cost us?

The Hon. R.L. BROKENSHIRE: I do not have that information with me now. The Attorney, I understand, tabled all the costs this morning.

Mr CONLON: As long as it has been tabled.

The Hon. R.L. BROKENSHIRE: That information was tabled as a result of questions asked by the member for Spence. It is all on the record. If the honourable member would like, I can go back through them or he can refer to *Hansard*.

Mr CONLON: If it has been tabled, I am quite happy.

The CHAIRMAN: My understanding is that they were tabled or, if they had not been, that they would be supplied to the committee at a later date.

The Hon. R.L. BROKENSHIRE: The whole lot was tabled in *Hansard* this morning. The Attorney is very diligent: he read them into *Hansard* rather than tabling them.

Mr CONLON: I do not know whether or not this is the case but it has been suggested to me that ESAU made an administrative error this year. Minister, you say that ESAU does not register vehicles so perhaps what I am told is not correct, but what I am told is that many vehicles were registered at a commercial rate which incurred $50 000 to $100 000 more in costs than should have been the case. Does the minister know anything about that?

The Hon. R.L. BROKENSHIRE: First, I want to place a correction on the public record. The honourable member claimed that I said that ESAU did not register vehicles. I did not say that. I said that ESAU is not responsible for the management of the fleet operationally. That is the responsibility of the operational people in SES, CFS and SAMFS. I did not say that it did not register them: I said that it was not responsible for their operation. In 1999-2000 ESAU did take steps to put in place procedures to register all operational vehicles on one account under the name of ESAU. However, in terms of operational management, that is a different issue and I want to reinforce that.

ESAU has investigated the issue of creating separate accounts and quiet numbers for each agency with Transport SA. The cost associated with transferring existing vehicles is up to $32 per vehicle. The overall cost of that would have been approximately $80 000. That matter has been referred to CFS for internal determination. In addition to this cost, the CFS was investigating the use of personalised numberplates, such as CFS 001 through to 635, or whatever we have in the fleet.

That matter is now not being pursued by the CFS because it would have cost between $16 000 and $125 000, and personally I would have been concerned about that, as that is money that could have gone into catch-up on PPE for volunteers. The initial registration of CFS and SES vehicles was made at metropolitan vehicle registration rates. This extra charge was detected and reimbursement totalling

$35 000 has been received from Transport SA, so all vehicles are now correctly registered at the respective rates. There was an issue there: it has been picked up and credit has come back through from Transport SA to the tune of that money.

Mr SCALZI: I refer to budget paper 5, volume 1, page 5.72 in relation to ESL concessions. Will the minister outline the cost to the government of providing concessions for the emergency services levy and outline who is eligible to receive these concessions?

The Hon. R.L. BROKENSHIRE: A range of people are eligible for concessions under the emergency services levy. I must put on the public record the fact that the member for Hartley was particularly vocal to me when it came to concessions for self-funded retirees. As members in this chamber would know, self-funded retirees—

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: I pay a lot of attention to the member for Hartley because he would have to be one of the most diligent, hard working, caring and committed members of parliament. I admit that successive Liberal and Labor governments until the Olsen government had not really paid much attention to self-funded retirees, and I am pleased to see that attention under this government has been paid not only with the levy but also when it comes to council rates.

A number of people are eligible for up to $40 remission on their principal place of residence, which was not the case under the old levy system. If you were a pensioner under the old levy system, you would not have been eligible for a $40 concession, and on top of that you would have been paying GST. Of course, the whole state would have contributed even if we had not raised extra money. If we had kept underfunding emergency services and only had 70 per cent contributing $69 million, they would have paid $6.9 million in GST, and everyone is exempt from that, so that is a bonus to the whole community.

For that $40 you are looking at pensioner concession card holders; Austudy payment; Newstart allowance; sickness allowance; widow allowance; special benefit; youth allowance; partner allowance; parenting payment; Abstudy; Community Development Employment projects; New Enterprise Incentive Scheme allowance (or NEIS, as most of us know that scheme); state concession card holders; importantly, Veterans Affairs Gold Repatriation Health Card holders (TPI, EDA and war widows); and war widows in receipt of a war widows pension from the UK or New Zealand. The self-funded retirees come in if you have a state seniors card, and you must be over 60 to get that. There are about 150 000 assessments in a year, which is significant, and the cost of that to the government's general revenue is $6 million.

The CHAIRMAN: There being no further questions, I declare the examination of the votes completed. I thank all members for their contribution to the committee.

The Hon. R.L. BROKENSHIRE: I thank you and the parliamentary staff, all my colleagues and all staff for their efforts.

ADJOURNMENT

At 9.25 p.m. the committee adjourned until Wednesday 20 June at 11 a.m.