



# LEGISLATIVE COUNCIL

## BUDGET AND FINANCE COMMITTEE

Plaza Room, Parliament House, Adelaide

Monday 24 November 2008 at 10:40am

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MEMBERS:

Hon. R.I. Lucas MLC (Chairperson)  
Hon B.V. Finnigan MLC  
Hon. D.G.E. Hood MLC  
Hon. R.P. Wortley MLC

ALSO PRESENT:

Hon. J.A. Darley MLC  
Hon. S.G. Wade MLC

WITNESSES:

JEROME MAGUIRE, Chief Executive, ANDREW SWANSON, Director, Strategic and Financial Services, THEO ANASTASIOU, Manager, Portfolio Financial Services, all of Attorney-General's Department and Department of Justice, Level 10, 45 Pirie Street, Adelaide 5000, DEBRA CONTALA, Executive Director, Finance and Business Services, Attorney-General's Department, 45 Pirie Street, Adelaide 5000, PETER SEVERIN, Chief Executive, Department for Correctional Services, 6<sup>th</sup> Floor, Public Trustee Building, 25 Franklin Street, Adelaide 5000, DAVID PLACE, Chief Executive Officer, MARTIN SMITH, Manager, Corporate Accounting, and DAVID NORTON, Director, Corporate Services, all of South Australia Fire and Emergency Services Commission, Level 9, 60 Waymouth Street, Adelaide 5000, and SUE LEES, Director, Fiscal Policy, Department of Treasury and Finance, GPO Box 1045, Adelaide 5001, called and examined:

3642 The CHAIRPERSON: The council has given authority for this committee to hold public meetings. A transcript of your evidence today will be forwarded to you for your examination for any clerical corrections. Should you wish at any time to present confidential evidence to the committee, please indicate and the committee will consider your request. Parliamentary privilege is accorded all evidence presented to this committee. However, all persons, including members of the press, are reminded that the same rules apply as in the reporting of parliament.

In welcoming you to the meeting, at the outset, I will ask you to introduce yourself and your position and your colleagues who are giving evidence. If you have a brief opening statement to make after your introduction, I invite you to do that. With that, I thank you for your attendance this morning.

Mr MAGUIRE: I will not be providing an opening statement today. As you know, we provided a fairly comprehensive opening statement at the last hearing. Due to the diverse range of agencies in the portfolio, attending with me today is Peter Severin, the Chief Executive of the Department for Correctional Services. On my immediate left is Debra Contala, who is the Executive Director of Finance and Business Services in the Attorney-General's Department. Sitting next to her is David Place, Chief Executive Officer of the South Australia Fire and Emergency Services Commission, who will assist with this inquiry today. I will turn both to Peter and David to ask if they have an opening statement they may wish to read.

Mr PLACE: We did not get to address the committee last time, so I am happy to do that. I will give a bit of background to our governance structure for the commission and talk about examples of some key project areas that we work in.

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The South Australia Fire and Emergency Services Commission was established by the Fire and Emergency Services Act 2005. The commission is managed and administered by a board established as the governing body. SAFECOM (as it is known) and its board are responsible to the Minister for Emergency Services. From 1 October 2007 the positions of chief executive and chair of the SAFECOM board were merged. The act provides for the continuation of the South Australian Metropolitan Fire Service (SAMFS, as we refer to it) and the South Australian Country Fire Service (CFS) as bodies corporate and, also, the establishment as a separate body corporate of the South Australian State Emergency Service (SES). The act also defines the emergency services sector as consisting of the South Australia Fire and Emergency Services Commission, the South Australian State Emergency Service, the South Australian Country Fire Service and the South Australian Metropolitan Fire Service.

The act requires that a consolidated financial statement be prepared for the emergency service sector. SAFECOM is responsible for establishing and promoting the strategic direction and policy for the emergency services sector and supporting agencies to work towards achieving that strategic direction. It provides a range of services, including information technology; occupational health, safety and welfare; human resources; volunteer support services; support to the board; risk management; financial and asset services; emergency management for the state; and, also, public affairs. Our objectives include:

- to develop and maintain a strategic and policy framework as well as sound corporate governance across the emergency services sector;
- to provide adequate support services to the emergency services organisations and to ensure the effective allocation of resources within the emergency services sector;
- to ensure relevant statutory compliance by the emergency services organisations;
- to build a safer community through integrated emergency services delivery; and
- to report regularly to the minister about relevant issues.

The funding of the Fire and Emergency Services Commission is derived from the Community Emergency Services Fund, which was established by the Emergency Services Funding Act 1988. SAFECOM is also responsible for administering that fund on the expenditure side.

I will give some examples of the initiatives we are working on. One of the high level projects was the implementation of the Wangary bushfire recommendations. The recommendations from the 2005 Wangary bushfire were handed down by the Deputy Coroner on 18 December 2007. A working party was initiated, incorporating over 16 government and non-government agencies and organisations to provide advice to the government on implementation options for each of the 34 recommendations. The government, in turn, outlined its response to each of these 34 recommendations in parliament on 17 June 2008. Legislative changes will be required for some of those recommendations, and they will be incorporated into amendments to the Fire and Emergency Services Act 2005. The implementation of non-legislative recommendations continues to be coordinated through my office, in conjunction with the Wangary coronial inquest working party representatives.

In terms of strategy and policy, we selected the new strategic directions. On 18 September this year, a significant milestone for the fire and emergency services sector was realised with the release of the Sector Statement of Strategic Intent 2008-14. The strategic direction is a shared vision agreed to by myself, all the three chief officers of the emergency services, representatives of the volunteer associations and government and business leaders and the unions, all of whom make up the SAFECOM board and broader stakeholder groups. This strategic direction charts the way forward for the sector over the next six years. It represents a consolidated set of priorities for our sector and provides a clear consensus on the direction for the sector which, in essence, is to lead and strengthen communities so the things they value are better protected.

In giving this common goal a real focus, the strategic direction sets out six priorities: community engagement; community resilience; building partnerships; being accountable; seamless integration; and communication. These priorities will guide and shape the activities of each of the agencies that comprise the sector from the highest level strategic plans down to individual work plans.

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I thought that, as a capital asset example, we would discuss the Port Lincoln building initiative. The emergency services sector will be the recipient of the state-of-the-art combined emergency services facility for the MFS, the CFS and the SES, worth more than \$7.7 million, to provide improved protection for the lives, property and environmental assets of Port Lincoln and the surrounding communities. The chief officers of the MFS, the SES and the CFS all agree that the current facilities at Port Lincoln need upgrading and have endorsed the plan to co-locate at the new site. This has been endorsed by the SAFECOM board, and significant work has been undertaken to plan for this new development.

3643 The Hon. B.V. FINNIGAN: Can you clarify which services will be consolidated at Port Lincoln?

Mr PLACE: The MFS, the SES and the CFS. The inadequacy of the current facilities has led to the three services carrying unacceptable operational risks. The inadequacy of the current CFS/SES regional coordination centre was subject to comment in the Wangary coronial inquest, and the government has acted to upgrade these services without delay.

This strategically located precinct not only will improve coordination of sector-wide training activities (because it also houses the group training centre and joint operational exercises) but it will also provide access to a level 3 incident coordination centre that can be used by any of the three services when major emergency incidents occur on the West Coast.

The state government has commenced the development of a Port Lincoln Emergency Services Precinct consisting of a dedicated MFS facility at a cost of over \$5 million over the next two financial years, to be constructed on a site adjacent to a joint facility for the CFS/SES regional office and the local CFS brigade and SES unit at a cost of over \$2.7 million over the next two financial years.

In terms of a project involving our people, I picked our volunteer and employer recognition support program. The volunteer recognition working party was established to provide strategies to the SAFECOM Volunteer Strategy and Support Branch for the development of a business case and project plan for implementation to support our volunteers in the field. The Volunteer and Employer Recognition and Support Program has its basis in the four 'R's, that is, recognising the value of volunteers and their employers and raising the profile of volunteers and their employers and, by doing those two, it will increase our recruitment and retention opportunities for our volunteers.

There is a range of strategies. I will not read them all out, but it is about recognising the value of volunteers and employers through various programs. Our board is meeting this week at Murray Bridge and will be giving out certificates to the employers of our volunteers during the course of that meeting. We are also looking at employer support boards and some public thankyou and personal thankyou to some of our employers, highlighting the importance of what they do.

We are also raising the profile of our volunteers. We have various media campaigns, involvement in the country field days and other events, and we support volunteer events management. In terms of recruitment, we have developed induction packages for employers to understand what they can achieve by employing emergency service volunteers, information packages for volunteers, up-to-date communication, we have improved our website and referrals services, and so on. We also have education and awareness programs to ensure that people are aware of the value of employing our volunteers. There are other various information packages around legal protection and what they can expect from volunteers.

3644 The Hon. B.V. FINNIGAN: Can I clarify that when you are saying 'volunteers' you are referring to CFS and SES?

Mr PLACE: Yes.

3645 The Hon. B.V. FINNIGAN: In relation to the people who work for the MFS, in some country areas—I am not sure what you call them—they are called something like reservists. Are they classed as volunteers?

Mr PLACE: They do receive recompense for their actions. We call them retained staff. They receive a retainer and a callout fee when they actually operate. A lot of the issues which I mentioned in relation to their employers is as critical to them as to volunteers, so we do support them as well. When it gets down to individuals there is a subtle difference.

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3646 The CHAIRPERSON: Were you going to make a brief opening statement?

Mr SEVERIN: I will refer to my opening statement from 16 June 2008. I am happy to take questions on that basis.

3647 The CHAIRPERSON: We will open up with the normal series of questions in relation to savings tasks that the departments have been asked to implement over the last three budgets. Without going over the detail of last year's presentation, you did highlight that you were on track to meet the savings tasks outlined for you in the 2006-07 budget document.

Other than the Crown Solicitor's Office, reduction in resources for native title administration, the two biggest items were efficiency measures and efficiency dividends, which for this financial year require savings of about \$2.5 million and next year \$2.7 million ongoing. Will you clarify how your department is meeting those particular savings requirements?

I forewarn you, Mr Severin, that there is a similar question in relation to efficiency dividends and efficiency measures which come to about \$1.4 million by 2009-10, so I alert you to that in order to save some time.

Mr MAGUIRE: My understanding, and the briefing I have, is that we are achieving the efficiency measures. The most significant of those are in the planning, policy and legislation areas. My briefing is to the effect that we are achieving these measures. It required several units coming together and reducing staff, as it were, through vacancies. There have been no redeployees that have come out of that. The vacancies have covered the efficiency savings. We are on track for the out years, as well.

3648 The CHAIRPERSON: Last year you confirmed that 16 or 17 full-time equivalent numbers were being reduced. You are confirming today that that has continued and that is how you are achieving those savings.

Mr MAGUIRE: We advised in writing that it was 18.5 FTEs, and it is on track to continue.

3649 The CHAIRPERSON: Mr Severin, in the same year's budget papers you were asked to achieve savings of \$1.2 million for this year and \$1.4 million for next year through efficiency dividends and efficiency measures. Could you outline how are you achieving those savings tasks?

Mr SEVERIN: The efficiency dividend that was announced in the 2006-07 budget was just shy of \$0.4 million. We have achieved that through limiting any growth in discretionary expenditure. We have apportioned that right across the agency; in particular, central office.

There were further efficiency measures through reduction in operating costs of almost \$300,000, and we achieved that to limiting the increases in business unit budget allocations. We also absorbed increased activity with limited increases in funds. We were able to spend less in relation to the delivery of our normal services without reducing the level of those services. So, we were able to achieve some efficiencies there. We also had a \$0.5 million savings target in relation to measures that resulted from the Greg Smith review, which was done for the government in relation to its budget management some years ago.

This related to introducing improved rostering sick leave and workers compensation management. We achieved the target—actually, we exceeded it. Our future liabilities in workers compensation have been estimated reducing by about \$3 million in 2007-08; so, in that regard, we have out-performed. That was quite a stretched target for us.

3650 The CHAIRPERSON: Are there any reductions in full-time equivalent staff to achieve either the efficiency dividend or the efficiency measures and tasks required of you from the 2006-07 budget?

Mr SEVERIN: We identified a number of positions that could be abolished to achieve the measures resulting from the Smith review. There were six positions in total and three were abolished. However, with the increase in prisoner numbers that happened around the same time, we then had to utilise the other three positions to meet the increase in demand. Effectively, we were aiming to reduce six full-time equivalent positions. We were able to do that for three, and the others had to be reintroduced—but separately funded, obviously—through the growth in prisoner numbers and funding from the department.

3651 The CHAIRPERSON: The three positions that were abolished were in what area?

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Mr SEVERIN: They were in two areas within our central office structure, not in direct service delivery. They were positions associated with project work and review of procedures and policies.

3652 The CHAIRPERSON: What about the third position?

Mr SEVERIN: The third position was in a policy area. So, two in the custodial area and one in our strategic services area.

3653 The CHAIRPERSON: In the most recent budget (the 2008-09 budget documents), you have a further savings task which starts at \$700,000 in 2009-10 and then increases through to \$4 million by the end of the forward estimates period. Have you finalised policies to implement those savings tasks the government has required of you?

Mr MAGUIRE: I think you might be mistaken. Those savings actually come in 2009-10, not 2008-09, that is the \$700,000.

3654 The CHAIRPERSON: The \$700,000 in 2009-10 and then the \$4 million at the end of the forward estimates?

Mr MAGUIRE: Yes. We are negotiating with government. It is very early days for those savings, but, at the moment, we are negotiating in terms of the strategies that we will address. However, we do need our minister's approval and, obviously, we need cabinet to endorse our strategies. That is still a work in progress.

3655 The CHAIRPERSON: You have taken no decisions yet. When do you believe you will take decisions, or the government will take decisions, to implement these cuts of up to \$4 million by the end of the forward estimates period?

Mr MAGUIRE: I cannot say when the minister will agree with the strategies, but I would assume it would be early in the new year—in the first quarter of 2009. That would be my estimate.

3656 The CHAIRPERSON: Do you accept that, to get \$4 million in cuts, you will have to cut further staff from your portfolio?

Mr MAGUIRE: Most of the work of the Attorney-General's Department involves people, obviously; so, it will be staff. We will be looking at many efficiency savings and different ways, I guess, of providing the same service, if not a better service. We will be looking at staff cuts, and that is something we cannot escape.

3657 The CHAIRPERSON: Mr Severin, your requirement in this year's budget document was \$300,000 for next year (2009-10), but then jumping to \$1.8 million by the end of the forward estimates period. Have you taken decisions yet in relation to how you will achieve those savings?

Mr SEVERIN: Again, we have estimated that we will be able to achieve the savings target for 2009-10 through reorganising our budget expenditure across the business units.

We have not yet finalised any detailed plans for the savings targets in 2010-11 and 2011-12. The particular circumstances, of course, that were reported in regard to Correctional Services, are that we are dealing in a growing environment where we have to continue to meet demand for the services that we deliver and, at the same time, we have to ensure that we do it as efficiently as possible while meeting those savings targets. Realistically a plan that we are developing today will be very much subject to the continued pressure, or otherwise, that the system experiences as a result of the growing number of prisoners and people under Community Corrections orders.

3658 The CHAIRPERSON: In terms of the time line, again, would you envisage, in board terms, reaching decisions by early next year sometime?

Mr SEVERIN: We are comfortable with achieving the savings targets in 2009-10 of \$300,000. For 2010-11, the current plan is that we develop options for consideration by government in the second part of this calendar year to present to the minister for reference to cabinet early in 2010; before the 2010-11 budget.

3659 The CHAIRPERSON: It might not be a very good time to be presenting options for cuts early in 2010.

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Mr SEVERIN: It is obviously subject to the minister's agreement.

3660 The Hon. R.P. WORTLEY: My question is about juvenile crime. Mr Maguire, I am interested in whatever actions your department is taking in regard to reducing juvenile crime, especially taking into account the recommendations of Monsignor David Cappo in his report, *To Break the Cycle*. Can you let us know by way of an outline what you are doing?

Mr MAGUIRE: I will do that. We are investing a lot of resources and a lot of energy in this area. You mentioned *To Break the Cycle*. The 2008-09 budget made a significant investment into stopping youth crime at an early stage. These measures directly addressed Monsignor David Cappo's recommendation in his report *To Break the Cycle*. These initiatives focus on intense attention to chronic repeat offenders and cross-discipline management of young offenders and preventing children from becoming involved in crime. Some of those measures included: the Rann government announced \$11.5 million spend over the next four years, that includes a community protection panel which will address youth at risk; youth justice teams, there is \$4 million for that; an Aboriginal school retention program, \$1 million for that; a Kurruru Indigenous Youth Performing Arts program, \$143,000; and the David Kennedy model, a very innovative program, \$829,000.

With regard to the last point, the David Kennedy model, we have approached Professor David Kennedy (from the John Jay Criminal College of Justice in New York), and funding has been used to implement a number of recommendations in the report, including support programs and solutions to youth offending that David Kennedy recommends. His approach has been developed and implemented in multiple locations internationally. The approach is considered to be most effective when targeted at serious level offending. The approach is simply described as a deterrent strategy targeted at a specific cohort and offending which subsequently has significant crime prevention outcomes.

The targeted nature of this approach assists in providing a tailored intervention to shift the decision making of the group to choose not to engage in offending behaviour. The initial focus of the David Kennedy approach is offenders (youth and adults) who have been identified as part of the Operation Mandrake initiative. This has been called the nendi approach. Nendi is a Kurna word meaning 'to become or to exist in a new form' and was strongly recommended by the Aboriginal communities. Local communities are being encouraged in the enforcement of crime prevention measures. The research project has been established to assist in identifying these reforms of the David Kennedy approach, and Professor Andrew Goldsmith and Associate Professor Mark Halsey (from the Flinders University Law School) are leading this research. Professor Kennedy will return to South Australia in 2009 to monitor the implementation of these very innovative crime disruption and preventive strategies.

I will be brief on the other strategies that we have in place. The community protection panel ensures rehabilitative resources are being directed at serious repeat offenders. The panel (which is made up of government agencies' chief executives or their delegates) will oversight case plans of youth offenders, including those identified through the Operation Mandrake initiative and the David Kennedy approach. The departments involved in the joined up approach include health, education and rehabilitative services. These agencies will be targeting their services at young people, who, without this intervention, would more likely contribute to the criminal justice system.

I turn now to an issue about which we are very excited, the Aboriginal Power Cup. The Aboriginal Power Cup is an outdoor youth development program sponsored by the Attorney-General's department, the South Australian Aboriginal Sports Training Academy and the Port Adelaide Football Club, that is, the AFL part of the club. The government has committed \$98,000 per annum for three years to this project. The Port Adelaide Football Club has also pledged a significant contribution to the project. The program responds to Monsignor Cappo's *To Break the Cycle* recommendation about engaging young Aboriginal people in sport. It incorporates sport, fitness, recreation and education activities, with the aim of enhancing community engagement and thereby addressing risk factors for criminal behaviour.

In its inaugural year (this year), the cup recruited a total of 140 Aboriginal students from six metro and regional schools at which the South Australian Aboriginal Sports Training Academy has a presence. We had three country schools—Ceduna, Port Lincoln and Port Pirie—and the metro schools being Kurna Plains, Para West and the Wiltja Woodville High School. The Power players visited all these schools in the program and met with students of the academy to outline a range of activities available to students and the importance of remaining engaged in school. Students were required to develop and adhere to a training

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program, recruit community mentors and coaches, liaise with the local media and design a team guernsey. Maintaining their attendance at school was a core requirement of the program.

It would interest the committee that the AFL, indeed, are very interested in what we are doing and they are actively pursuing similar strategies in other states. A number of government and non-government agencies provided additional support to this initiative. The South Australian Police STAR Group (no less) assisted the Wiltja team and the community constables from around the state attended the cup carnival to meet with students. Health promotion, leadership and kinship information was incorporated into the program. There was considerable community and media interest in the support and we understand media interest stemmed from the Gold Coast in Queensland through to Burnie in Tasmania across to Ballarat.

The school attendance rates of participants during the 3½ month preparation period leading up to the Aboriginal Power Cup Football Carnival improved significantly at school levels. Ceduna Area School recorded the greatest improvement of 23 per cent attendance and average attendance rose from 52 per cent to 75 per cent, followed by Para West adult campus which had a 20 per cent improvement and Kaurua Plains with a 9 per cent improvement and an average attendance rate of 81 per cent.

The Aboriginal Power Cup grand final took place on 15 August 2008 as a curtain-raiser to the Power versus Collingwood clash at AAMI Stadium. It was a tremendous success and the feedback we have from the children has been outstanding. We are currently in the progress of planning the 2009 Aboriginal Power Cup and intend to pretty much double the participation rate of Aboriginal kids.

3661 The Hon. R.P. WORTLEY: I must congratulate you for taking up these recommendations and trying to do something with them. I know it might be early days yet, but have all these initiatives had an impact on the statistics of juvenile crime? Can you start to see a trend?

Mr MAGUIRE: It is probably early days for that. We are starting at the preventative end and most of the kids at school, I guess, many of them come from disadvantaged families and so forth, but it is early days to have a statistical measure on that, but we believe a causal indication is that kids are staying at school. In relation to some of the feedback, the highest ranked feedback we got was that the kids all wanted to finish their high school and to us that is an outstanding measure. However, it is early days to say that this cohort will not be going into a criminal system. We believe we are on to something and it is very positive.

3662 The Hon. B.V. FINNIGAN: Is the Power Cup affiliated with the Port Adelaide; in other words, is that where the 'Power' comes from?

Mr MAGUIRE: Yes, the Aboriginal Power Cup is really auspiced by three bodies: the Aboriginal Sports Training Academy, the Port Adelaide AFL club and the Attorney-General's Department. The AFL is very interested in seeing whether it can partner up with us as a holistic thing.

3663 The Hon. B.V. FINNIGAN: You were talking about the David Kennedy model or project. Has Professor Kennedy been to South Australia?

Mr MAGUIRE: He has been to South Australia. He spent about a week travelling around talking to a lot of the indigenous communities and really getting an understanding of what their issues are and how best these issues can be resolved.

3664 The Hon. B.V. FINNIGAN: And he is coming back to evaluate ours?

Mr MAGUIRE: Yes, in the first quarter of 2009.

3665 The Hon. D.G.E. HOOD: Just to clarify, you said \$98,000 per annum for three years; is that correct?

Mr MAGUIRE: Yes; that is true.

3666 The CHAIRPERSON: Is that money from the Attorney-General's Department, and is there any additional money from the Premier's contingency fund line to the Port football club?

Mr MAGUIRE: As far as I am aware, this is all money from the Attorney-General's Department; it is solely our responsibility.

3667 The CHAIRPERSON: That comes out of what line; is it a grant line?



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Mr MAGUIRE: We have a youth justice reform unit, and this money is out of that budget. Essentially it is an agreement—

3668 The CHAIRPERSON: With the Port Adelaide Football Club?

Mr MAGUIRE: With the Port Adelaide Football Club, yes.

3669 The CHAIRPERSON: I will take you to another issue. The government, as you are aware, engaged in a complex series of property transactions with Mr Javier Moll, well-known international publisher, multimillionaire, property owner and investor with interests here in South Australia as well as many countries overseas.

As you are probably aware, in summary, the government purchased the old Stock Exchange building from Mr Javier Moll's company, and the bit that relates to your portfolio is obviously the sale of a government building, the Public Trustee building. I think that sale was announced at \$7.6 million to Mr Moll. First, is it correct that, before that decision for the sale of the building could occur, the Attorney-General had to give his Attorney-General's approval for that particular transaction?

Mr MAGUIRE: I can tell you that my understanding is that the Public Trustee actually makes a recommendation or seeks the approval of the Attorney-General. That is my understanding.

3670 The CHAIRPERSON: I am interested in that, but the question is: does the Attorney-General have to give his approval for the sale of the Public Trustee building?

Mr MAGUIRE: That is a very specific question. I would need to come back to you with a precise answer on that. It would relate to the interpretation of the Public Trustee Act.

3671 The CHAIRPERSON: Documents and information that I have make it quite clear that, under the Public Trustee Act, the Attorney-General had to give approval. Is it not correct that, in May 2007, he did sign a document which gave his approval after you gave him advice?

Mr MAGUIRE: I will answer that question this way and give you some information about that. On 23 October 2006, cabinet approved negotiations with Sole Property Pty Ltd which owns the old Stock Exchange building with the aim of purchasing the building for use by the proposed Royal Institution of Australia. On 11 December 2006, cabinet noted that negotiations with Sole Property, conducted through Global Intertrade (hereafter referred to as Global Intertrade), had progressed, although the owner—

3672 The CHAIRPERSON: Just to clarify, Global Intertrade is Mr Moll's company?

Mr MAGUIRE: It is my understanding that Sole Property conducted through Global Intertrade.

3673 The CHAIRPERSON: They are Mr Moll's interests?

Mr MAGUIRE: I cannot confirm that.

3674 The Hon. B.V. FINNIGAN: I don't think that is something Mr Maguire is responsible for.

Mr MAGUIRE: That's not what I'm telling you.

3675 The CHAIRPERSON: You are not aware of that?

Mr MAGUIRE: I can confirm that for you, but I do not have that information in front of me. So, if I can continue. Although the owner was holding the old Stock Exchange building for other purposes and, initially, had not been interested in selling, Global Intertrade had subsequently indicated an interest in purchasing the Public Trustee building. An offer was therefore subsequently made to Global Intertrade in late December 2006 for the purchase of the old Stock Exchange building. The sale and lease-back of the PT Public Trustee building was based on the valuations provided by independent valuers. This process was driven by the Department of the Premier and Cabinet.

I will also go on to explain something that you have already mentioned, Mr Chair, that you yourself have put in an FOI application. I can give some details to the committee about that. On 10 December 2007, the Hon. Rob Lucas MLC submitted an FOI application requesting copies of all documents, including emails and notes of telephone conversations relating to the purchase by the state government of the stock

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exchange building. The determination refused access to 29 documents and three attachments based on more than one exemption pursuant to schedule 1 of the act.

A further application was made in similar terms for documents relating to the sale of the Public Trustee building. The applicant was advised with respect to that application that a deposit was required because the work required to determine the application exceeded the prescribed threshold for a member of parliament. No deposit was paid and it was accordingly not further progressed.

On 25 February 2008, Mr Lucas sought an internal review of the FOI determination pursuant to section 39(1)(a) of the act. A review was conducted by me, as the chief executive, and then finance communicated with Mr Lucas on 29 April 2008. Following legal advice, the chief executive (that is me) made a determination varying the initial determination in respect of 18 documents and revising the initial determination for seven documents. Accordingly, there was partial release of the non-exempt parts of those documents. What I have provided to you in the early part of my statement is essentially what you see in those FOI applications.

3676 The CHAIRPERSON: We may have a discussion about that on another occasion. On 16 May 2007, the Attorney-General, under his own signature, approved the sale of the Public Trustee building. Whether you need to go off and confirm whether or not he did or did not, they are the facts of the matter. Are you aware that, in March 2007 (two months prior to the approval by the Attorney-General), the Public Trustee commissioned a valuation from Colliers International which valued the Public Trustee building (which the Attorney-General sold to Mr Moll for \$7.6 million) at \$9.37 million; that is, nearly \$1.7 million higher?

Mr MAGUIRE: I am aware that evaluations were undertaken by the Public Trustee, and that is a requirement of the Public Trustee in the disposal of assets. You obviously have some information that I do not have in front of me, so I cannot be precise about the valuations. What I can tell you is that it is my understanding that the subsequent transfer and lease-back was commercially neutral to the Public Trustee and, essentially, the Public Trustee's concerns were met.

3677 The CHAIRPERSON: We can digest that in a moment. Were you aware that, when the Attorney-General approved the sale of this property on 17 May 2007, the Public Trustee—which was within your portfolio—had an independent valuation of the property by Colliers at \$9.37 million, \$1.7 million higher than the Attorney-General sold the building to Mr Moll?

Mr MAGUIRE: Again, I sound like I am repeating myself.

Mr MAGUIRE: Again, I sound like I am repeating myself, but I understand that there was an independent evaluation. I do not know the numbers; I can confirm them with you. If there was a differential between what it was purchased for and the initial valuation, I can come back to you with more detail about that and the reason for the differential.

3678 The PRESIDING MEMBER: Why would the Attorney-General sell a property at \$1.7 million less than an independent valuation done two months prior to his signing the documentation to Mr Moll and his companies?

Mr MAGUIRE: You will need to ask the Attorney-General about those details. In a sense, I am telling you I don't—

3679 The PRESIDING MEMBER: He will not come to this committee. You are the Chief Executive.

Mr MAGUIRE: I am telling you as the Chief Executive that I will come back with information that will actually answer your question.

3680 The PRESIDING MEMBER: Was there any information that relates to this independent valuation of \$9.3 million (\$1.7 million higher than the property was sold for) in some of the documents and parts of the documents you have refused under freedom of information? You handled the internal appeal, as you indicated yourself.

Mr MAGUIRE: It is my responsibility as the Chief Executive under the FOI legislation that I determine the reviews. That is a fact. I cannot tell you what was in those documents. It was some time

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ago, and I cannot tell you that, but I am happy to respond to this committee in writing with the facts to answer your question.

3681 The Hon. J.A. DARLEY: For clarification, was the Colliers International evaluation of \$9.3 million one of the two valuations the Public Trustee had commissioned?

Mr MAGUIRE: I do not know whether it had two; I cannot confirm that either. I guess what I am saying is that I will come back to you with the details. I do know that the Public Trustee was obliged to go through, and did, an independent assessment. There is a delta we need to talk about.

3682 The PRESIDING MEMBER: For your information, there was an independent valuation. I think you read a briefing note in an earlier response to my question, which referred to independent evaluations, which was done back in December, some six months prior to the Attorney-General's signing the document. That has a range of values, one of which states that if you have a three-year lease it can be valued at \$7.6 million; if it is a five-year lease, it is more; and, if it is a one-year lease, it is obviously less. That is the independent evaluation the briefing note you read from refers to.

It does not refer to the Valuer-General's valuation of June the previous year, which I understand values the property at over \$8 million (I think, from memory, it was \$8.2 million or something like that). Nevertheless, that was nearly 11 months prior to the May decision from the Attorney-General. I am referring to a Colliers independent valuation done for the Public Trustee just two months prior to the Attorney-General's approving this sale.

You indicated in your response that this was commercially neutral to the Public Trustee. Is it not correct that documentation given to you and to the Public Trustee states that the Public Trustee had to seek budget supplementation from Treasury because it had a negative financial impact on the Public Trustee?

Mr MAGUIRE: My advice that I have here at the moment is that it was commercially neutral to the Public Trustee. I can come back to you and give you details about the deal that was done. I will have to seek some advice from Premier and Cabinet, which was pretty much leading the deal at the time.

3683 The Hon. B.V. FINNIGAN: In terms of the commercial transaction?

Mr MAGUIRE: Yes—the whole transaction.

3684 The PRESIDING MEMBER: Can I put a question then to Ms Contala because, Ms Contala, you were involved in advice on this particular transaction. Are you aware that supplementation had to be sought from Treasury because of the negative financial impact on the Public Trustee's accounts?

Ms CONTALA: I do not have the details with me. However, I do know that one of the issues was that the Public Trustee was receiving rental income from Correctional Services and other tenants in the building. Obviously, when the building was sold, that rental income was lost, and that was offset by the capital return to the Public Trustee. Within all that detail (I cannot give you the details now), there was the issue of recurrent changes to the Public Trustee's income because of lost revenue from rental offset by future savings from not having to maintain the building.

3685 The CHAIRPERSON: But are you aware, Ms Contala, that, together with Mr Maguire, various documents exist that are copied in to you (or that you have access to) that highlight that in the budget period we are talking about—and the argument potentially with Public Trustee comes down to what the impact might be on the budget documents after 2014—all the details of the immediate impact over the next four years of Public Trustee being negative and, therefore, needing supplementation?

Ms CONTALA: I could not be definitive about that. I do know, though, there were issues about rental versus maintenance. Public Trustee was looking at ever increasing maintenance costs with the building and had long-term tenants, so how that all balanced out in terms of the recurrent situation I cannot answer, but I am happy to get that information.

3686 The CHAIRPERSON: On the issue of the lease that you entered into, which on my advice was a three-year lease plus two options to renew for two years, are you familiar with the lease, either Mr Maguire or Ms Contala, because, as you say, Corrections and—

Mr MAGUIRE: My advice is that PT handled those lease negotiations direct with the new owner, so we can take that on notice and come back.

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3687 The CHAIRPERSON: In the discussions—and possibly this impacts on Mr Severin—is it correct that the Department for Correctional Services, which is currently a tenant in the Public Trustee building making rental payments, has advised either Justice or the people handling this negotiation that your long-term leasing plans were that you were looking to move out of that building even though the government might have entered into a three-year tenancy with options for two and two afterwards and that Corrections was looking to move out of that particular building to consolidate in other accommodation elsewhere? Is that correct, Mr Severin?

Mr SEVERIN: That is correct.

3688 The CHAIRPERSON: When would you be looking to move out?

Mr SEVERIN: We obviously have a three-year lease at this point in time which is due to expire in 2010, I am advised. We have been in discussion with the relevant section of government that looks after government accommodation to identify possible alternatives. However, at this point in time, we are neither funded nor have we put any other measure in place to achieve the transition from this accommodation to the other. So, one of the options remains to take up the option for renewing the lease.

My understanding—and I can only say that from the perspective of a tenant as we have no involvement in any of the other transactions—was that there was an undertaking given that the government tenancies (the Courts Administration Authority also occupies one floor) would continue for the three years, and no further commitment was made at that point in time other than the option being built in to look at renewing the lease at the end of the initial three-year period.

3689 The CHAIRPERSON: Obviously they are decisions to be taken for the future in relation to Correctional Services, but can I ask Mr Maguire if Correctional Services does get approval to move out, as it has potentially indicated, who has the requirement then (Justice or Public Trustee, perhaps) to find other tenants to take up this particular lease?

Mr MAGUIRE: I would have thought the building owner in this situation would be worried about and looking out for new tenants.

3690 The CHAIRPERSON: That is my question to you, I guess. Clearly, a fully tenanted building sells at a certain price—much more than if it is not fully tenanted. If the government has committed to a fully tenanted building, then some arm of government has the requirement to tenant the building.

Mr MAGUIRE: I do not know the details of that agreement. We did not get involved in that. Again, I am happy to take that on notice, if you want to understand the details of that. Essentially agencies within the Justice portfolio—being Corrections and the Public Trustee and Courts (Courts have a floor)—are mere tenants now. We are tenants in the building; we don't own the building.

3691 The Hon. B.V. FINNIGAN: Mr Severin, you have indicated that to your knowledge no commitment was made by Corrections in relation to the lease for this building beyond 2010. So, Mr Maguire, are you aware of any commitments being made with respect to the Public Trustee or the Courts Administration Authority?

Mr MAGUIRE: No.

3692 The Hon. B.V. FINNIGAN: So, none of you are aware of any commitments being made for the lease on this building beyond 2010?

Mr SEVERIN: My understanding at the time was that the commitment was for the three-year period; beyond that there was no commitment. However, given that I have not been involved in any of these negotiations, I can only comment as a tenant rather than—

3693 The Hon. B.V. FINNIGAN: Mr Maguire, you have indicated that this is obviously a complex commercial transaction and that you would provide further particulars about some of the details that you don't have to hand.

Mr MAGUIRE: I am happy to take that on board if the committee so wishes.

3694 The Hon. B.V. FINNIGAN: Thank you.

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3695 The CHAIRPERSON: Mr Maguire, I have seen a copy of an advice addressed to you from Pam Martin from about this time which says, in part, that the analysis (that is, the analysis of the impact on the finances of the Public Trustee) also assumes that the majority of the building upgrade costs of over \$1 million, currently scheduled by the Public Trustee for 2006-07 and subsequent years, are avoided and will be undertaken by the new owner.

I accept that you won't have an answer to that here, but will you take on notice to advise what were the \$1 million in upgrade costs that had been scheduled by the Public Trustee for 2006-07? Were they, in fact, avoided and undertaken by the new owner? Information provided to me is that some of those costs were refused by the new owner; that is, the representatives of the new owner, Mr Moll, did not agree with some of those costs. I accept that you would not have that information here with you, but would you also take that on notice and bring back a reply for the committee?

3696 The Hon. B.V. FINNIGAN: Mr Chairperson, for those of us who do not have that documentation, would you clarify what this correspondence is that you are referring to?

3697 The CHAIRPERSON: Mr Maguire will know; he can share it with you. He refused it under FOI to me, but if he would like to share it with the committee—

3698 The Hon. B.V. FINNIGAN: No, sorry; Mr Chairman, you are quoting—

3699 The CHAIRPERSON: I've got information that Pam Martin, Director of Commercial Advice, provided advice to Mr Maguire. Mr Maguire obviously can take that on notice and either agree or disagree with that information and that advice.

3700 The Hon. R.P. WORTLEY: I would like to ask a question in regard to the welfare of our youth. I know it's not as sexy a line of questioning as the Hon. Mr Lucas would like to pursue, but I think it is just as important. The Ambassador for Youth Opportunity, Gavin Wanganeen, was recently appointed—on, I think, 16 September. Can you outline the functions of this ambassador, what you hope to achieve, and the cost of the program?

Mr MAGUIRE: Thank you for that question. Perhaps I will start from the beginning. The Ambassador for Youth Opportunity came about through Gavin Wanganeen's early participation in the Aboriginal Power Cup, so on 16 September the Premier and Attorney-General announced the appointment of Gavin Wanganeen as the Ambassador for Youth Opportunity.

The ambassador's role is to advocate for engagement between the broader community and youth (not just Aboriginal youth); identify systemic barriers to young people's access to government and non-government private sector services; work with government agencies to help design and deliver appropriate programs to assist youth at risk to develop self esteem, self worth and commitment to community responsibility; and engage in (but not be limited to) the following activities:

- assist with the training and skills development of targeted population groups;
- contribute to and be part of the case management arrangements for youth at risk;
- contribute to and be part of rehabilitation and mentor programs for youth at risk;
- link healthy lifestyles, self esteem, sport and employment goals with positive youth employment and development;
- visit youth and young adults in detention and discuss life choices, healthy living, and the benefits of goal setting;
- participate in the development of curricula for the Department of Education and Children's Services and the South Australian Aboriginal Sports Training Academy.
- mentor youth by providing positive pathways and enhancing the importance of protective factors to parents.
- coordinate sporting identities to present to young kids at school and sport recreation sites to encourage youth decision-making, healthy lifestyles and community activities.

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I have to say that the AFL is very much in the same area doing similar things in other states with outstanding success. It will also:

- Comment on policy initiatives directed at helping youth develop personal resilience in training and job opportunities.

The great part about this initiative is that there is a host of government agencies which have contributed to fund Gavin Wanganeen's appointment. Those departments include: the Department of the Premier and Cabinet; the Attorney-General's Department; the Department of Education and Children's Services; the Department of Health; the Department of Further Education, Employment, Science and Technology; the Department for Families and Communities; the Department of Trade and Economic Development; and South Australia Police.

As a matter of priority, the Ambassador for Youth Opportunity is involved in activities stemming from the idea of breaking the cycle. Activities that Mr Wanganeen will undertake in 2009 include visiting the APY lands to participate in blue light activities for young people. He will also be delivering health information to schools in the South-East and the West Coast of South Australia. Mr Wanganeen began his appointment on 13 October 2008 and will hold this position until October 2010.

3701 The Hon. R.P. WORTLEY: I imagine that some time down the track there will be a report in respect of the outcomes.

Mr MAGUIRE: In this period of the year we are developing a 12 to 18 month program for Gavin so that each agency can integrate with the programs that we are establishing for him, but we will be reporting his achievements on an annual basis.

3702 The Hon. R.P. WORTLEY: And, he is being funded through eight departments. Is that correct?

Mr MAGUIRE: Through eight departments; yes.

3703 The Hon. R.P. WORTLEY: Do you know the total cost of the breakdown?

Mr MAGUIRE: I stand to be corrected, but it is about \$160,000 all up, including travel expenses, his remuneration package, goods and services, etc.

3704 The Hon. D.G.E. HOOD: Is that a full-time position for Mr Wanganeen?

Mr MAGUIRE: It is a full-time position; yes. In fact, it is probably more than full-time, because a lot of the work he does is on the weekends—sporting events for young kids.

3705 The CHAIRPERSON: How long is the contract for?

Mr MAGUIRE: Two years.

3706 The CHAIRPERSON: What is the salary component of the \$160,000?

Mr MAGUIRE: I think his total employment, which includes superannuation, car costs and the like, is about \$130,000; so it is a very junior executive level in government.

3707 The CHAIRPERSON: Which particular budget line does that come out of?

Mr MAGUIRE: It comes out of our youth justice reform group budget, and we do get revenue, which is split equally amongst those eight departments. They are all contributing to this initiative.

3708 The Hon. D.G.E. HOOD: To clarify, Mr Maguire, that very junior executive level of \$130,000 is in excess of a member of parliament's salary.

Mr MAGUIRE: If I could clarify, that is total employment cost; that is not salary.

3709 The CHAIRPERSON: In relation to a further issue, the lease renewal for 45 Pirie Street, which is a matter near and dear to your heart, Mr Maguire—the accommodation for the Attorney-General's Department and various other agencies—

3710 The Hon. B.V. FINNIGAN: It was an ING Bank building; now it is something else.

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3711 The CHAIRPERSON: Mr Maguire might be able to tell us what its history was; I do not know. It is 45 Pirie Street, anyway.

Mr MAGUIRE: I think it is QBE.

3712 The Hon. B.V. FINNIGAN: This is where the Attorney-General's Department is?

3713 The CHAIRPERSON: Mr Maguire, I understand that you have recently entered into a 10-year lease for that accommodation. When I say recently, I think it was last year some time.

Mr MAGUIRE: Yes, we have.

3714 The CHAIRPERSON: Are you aware of the government office accommodation standards, which require all agencies to comply with a certain number of square metres per officer, and also the very strict limitation on the number of individual offices that public servants are entitled to have as a department? Are you aware of those guidelines for government office accommodation?

Mr MAGUIRE: Yes, I am aware of the guidelines.

3715 The CHAIRPERSON: Is it correct that what you had approved for the Attorney-General's Department was a significant departure from those guidelines? You sought and got approval for a significant number of individual offices for lawyers within the Attorney-General's Department to the extent that your 10-year lease was for 13,372 square metres when, if you had complied with the guidelines, it would have been 11,049 square metres, a saving of 2,300 square metres. And depending on what rental you have paid—which will I ask you in a moment—if it is approximately \$300 per square metre, you are talking about an increased cost of some \$700,000 a year or \$7 million over 10 years to have individual offices for lawyers within the Attorney-General's Department.

First, can I confirm that you sought and got approval for a significant increase in square metreage per public servant in your department because of the number of lawyers and, secondly, that you sought and got approval for a significant increase in the number of separated offices in your department compared with any other department?

Mr MAGUIRE: Let me start with the last part first. There is no increase, as far as I am aware, of extra accommodation for individuals in the building—that is a fact. so, the facts that you have put on the table are not correct. The process—

3716 The Hon. R.P. WORTLEY: That is not an unusual occurrence, by the way.

Mr MAGUIRE: Thank you. The process for getting approval for accommodation requires a very detailed business case to be developed. In that business case what is considered is the existing accommodation and the number of people we have to come into the building.

That business case demonstrated that, if a lease was for 10 years, by the time the building was decommissioned and recommissioned—that is, knocking down all the internal infrastructure and building the new infrastructure to meet the government guidelines (we are talking now around very crude figures and I can come back to you with the details but it would be between \$8 million and \$10 million additional to do that decommissioning and recommissioning)—the payback period would be 10 years or more.

The business case clearly demonstrated to the government, through the Government Office Accommodation Committee and then to cabinet, that it would be folly to pretty much doze a building internally and rebuild it and not get your money back for at least another 10 years.

So, the decision was made that, with the current accommodation and with some additional fit-outs, etc.—and we are putting more people into the building—that building and the existing facilities in that building are good enough to last for another 10 years. So, if you like, we are utilising the investment that is already in that building; we are not going to decommission and then rebuild. The government accepted that argument, and that is the end of it.

3717 The CHAIRPERSON: In May 2007, you wrote to the Government Office Accommodation Committee and, on page 8 of that submission, under the heading 'Compliance with government standards', you highlight the government office accommodation standards policy.

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In paragraph 2 you state that that policy requires compliance in all situations where new accommodation has been acquired subject to a cost effectiveness test. You then outline that you employed a consultant, a legal recruiting company called Legal Circles, and that particular consultant—and this was your argument to the Government Office Accommodation Committee—demonstrated that you had a significant business risk and competitive disadvantage in attracting and retaining proficient and experienced legal staff which would arise from a shift to fully compliant accommodation. By 'fully compliant accommodation', that is, reducing the square metreage that they currently enjoy to the government office accommodation standards.

You went on to state that the provision of an enclosed office is an industry standard and has a practical purpose, which is entirely appropriate to the nature of the work performed, etc. You go on to argue why lawyers require separate offices. The argument that you developed to the committee was that there were special needs for the lawyers within your staff in terms of separate offices. Even though the government office accommodation policy states, I think, that anything over \$2 million has to go to the Government Office Accommodation Committee, and that is why you had to take this to that committee, you were arguing and seeking approval for not having to comply with those particular standards.

So, my question to you is: why should lawyers, for example, within your department, have that special arrangement, as opposed to social workers in other departments or counsellors or child protection officers or middle level Health Commission staff involved in confidential work? Why should lawyers within the Attorney-General's Department not have to meet a standard that others within other departments and agencies meet?

Mr MAGUIRE: It is true that the lawyers will be the beneficiaries of the current fit-out in the building, and that is a fact. Not all lawyers will have offices. There are not enough offices to go around. We are not building any new offices for lawyers, etc. We are taking advantage of what the building offers at the moment. It is true that the lawyers mount a case that they see it as an attraction for lawyers to work in an organisation. There are arguments for and against that. They mount the argument that from an industrial point of view it is an attraction. Some accept that, and some don't.

I guess from my point of view and from where I was sitting, my argument to the GOAC committee was that in the end it is a business case decision. We may not have the same result in 10 years' time when the lease expires and there needs to be major refurbishment of that building, or indeed if we move to another building, it would be a cabinet and government decision as to whether they accept that argument or they go back towards more of a small accommodation facility for lawyers. But at the moment it is actually a benefit for them because they are in the building.

3718 The CHAIRPERSON: The submission that you made to GOAC in May 2007 does highlight that, if you complied with government office accommodation standards that apply to everybody else, you would only need 11,000 square metres, instead of 13,372 square metres. Do you accept that, if you met the government office accommodation standards, there would be a saving of up to \$700,000 a year (or \$7 million) in lease payments over the term of this lease?

Mr MAGUIRE: In effect, Mr Chair, you have answered your own question, that that saving is the investment we would have had to make upfront to decommission. So, we would have to draw \$8 million down on a deposit account and we would only get that money back after 10 years. In the end, it was a decision that defied rational debate, to invest money now which we would not get back for another 10 years and for no benefit.

3719 The CHAIRPERSON: Can you take that on notice? Because there is nothing in your submission to GOAC, on my reading of it, which indicates that you had independent advice or advice which said that the alternative was to spend \$7 million or \$8 million upfront, which you would not get back. So, if you could take that on notice—

Mr MAGUIRE: I am happy to.

3720 The CHAIRPERSON: —and bring back to the committee the detail about who provided that advice to you and what the nature of the expenditure would be in terms of complying with it. Your submission states that, under your proposal, over 40 per cent of your staff would have enclosed offices. Is it correct that the government office accommodation standards require 10 per cent or less?



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Mr MAGUIRE: That is correct. Again, we go back to the same argument: those offices are in existence in the building now, so we are not knocking those offices down.

3721 The CHAIRPERSON: You are confirming that the government standard is that there should be 10 per cent or less, in terms of staff in enclosed offices, and you have more than 40 per cent in enclosed offices?

Mr MAGUIRE: I cannot confirm the 40 per cent, but I do know that the government—

3722 The CHAIRPERSON: That is in your submission.

Mr MAGUIRE: If it is in the submission it is correct.

3723 The CHAIRPERSON: Okay.

Mr MAGUIRE: I do know that the government standard is 10 per cent. That is the target we aim for and, in brand-new accommodation, that is exactly what it would be. However, in this accommodation the offices are in existence.

3724 The Hon. B.V. FINNIGAN: Just to clarify that: you obviously have no responsibility for other departments, but you are responsible for the office accommodation within your own department. As the Hon. Mr Lucas has said, cost-effectiveness is clearly one or perhaps even the principal criterion in making these arrangements as to office accommodation. As I understand it, what you are saying is that you made the judgment that you would have to spend more money to demolish the innards of the offices as they are now and reassemble them in order to meet an arbitrary guideline, and that would cost more than the money that you would save.

Mr MAGUIRE: That's correct, yes.

3725 The Hon. B.V. FINNIGAN: Therefore, you made a business decision to leave it as is.

Mr MAGUIRE: Yes.

3726 The CHAIRPERSON: Is it correct, though, that in some of your offices what you have done is not knocked them down, but you have put two staff into the office without knocking the walls down? You have thought laterally and put two staff into the one office so that you do not have a separate office.

Mr MAGUIRE: There are many strategies about accommodating staff within the building.

3727 The CHAIRPERSON: Is it correct that some of your offices—

Mr MAGUIRE: Let me finish: some offices do have that. In particular, where there is a common project, that is the case—and with part-timers as well.

3728 The CHAIRPERSON: When you come back to advise us about this \$7 million to knock down offices, you might also respond as to why, given that you have already, with a limited number of offices, complied with the policy by putting an additional staff member in without knocking the office down, you could not do that with the other lawyers by putting an additional staff member in the office, as well.

Mr MAGUIRE: When we are talking about putting additional staff into offices, we are not talking about a small office: we are talking about a bigger office that can accommodate two or even three staff. It might be where a meeting room has been changed into office accommodation. I am happy to come back with the details on that.

3729 The CHAIRPERSON: I have seen some of the offices there and I do not think they have changed in seven years, and they could certainly accommodate more than one person. One of the issues that I did not have much success with you was in terms of FOI. I do not have much success with you or your department at all, Mr Maguire.

Mr MAGUIRE: I stick to the law, though.

3730 The Hon. B.V. FINNIGAN: Mr Maguire is probably too busy running around with a tape measure, measuring up the offices to satisfy your arcane requests.

Mr MAGUIRE: I stick to the letter of law in trying to do my job.

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3731 The CHAIRPERSON: I am pleased to hear that. One of the documents which you refused, which intrigued me, was a document in relation to the accommodation needs of the Attorney-General. That was refused on first request and then you had a look at it and you have refused it, as well. What, if any, changes are you making to the Attorney-General's ministerial office suite? Is there also a suite in there for Ms Zollo, or another minister in your building?

Mr MAGUIRE: There are three ministers in the building.

3732 The CHAIRPERSON: Okay. First, what, if any, changes and costs are to be incurred in relation to the accommodation for Mr Atkinson?

Mr MAGUIRE: This is still very much in the design phase now, so I would like to come back to the committee on that. My understanding is that there is very little change to the Attorney-General's offices. That is my understanding.

3733 The CHAIRPERSON: Who is going to pay for it? Aren't you going to pay for it?

Mr MAGUIRE: The accommodation and fitout will be paid for through this one project. That includes all minister's offices—Minister Zollo and Minister Rankine, as well.

3734 The CHAIRPERSON: But surely you are not telling me that there has been no final decision made on the fitout and accommodation changes for the Attorney-General and other ministers, are you?

Mr MAGUIRE: This is fact: the architects are still working with each of the divisions in the building, including ministers' offices, about the final fitout and the requirements of those offices. So, nothing has been approved.

3735 The CHAIRPERSON: When did you go into this new lease? That was last year some time, was it not?

Mr MAGUIRE: No, I do not believe so. I think it was later than that.

3736 The CHAIRPERSON: Was it this year?

Mr MAGUIRE: I do not have the date with me. It could have been late last year.

3737 The CHAIRPERSON: Your submission was made in May, so that would be consistent with a decision in the second half. Are you saying to me that you have allocated no budget at all for ministerial office accommodation upgrades?

Mr MAGUIRE: No, that is not what I am saying. We are going through a lot of discussions. There are about 14 floors of the building, and three floors or thereabouts are private tenants. We are going through each division and discussing with them their layout, including the ministerial offices, and we have been doing that for the last X number of months. To boot, there have been new positions for the DPP as well as the Crown Solicitor's office, so it is not a task that can just flow very easily. It needs a lot of discussion with particular business heads on how they wish to have their offices organised.

3738 The CHAIRPERSON: So, have you allocated a budget for ministerial office accommodation upgrades?

Mr MAGUIRE: No; the final budget is for the building. There is no split between the DPP office, the Crown Solicitor, a chief executive or a minister's office.

3739 The CHAIRPERSON: I assume if a minister wanted something, he would probably outrank the DPP officer, in particular.

Mr MAGUIRE: That might be a correct assumption; who knows?

3740 The CHAIRPERSON: So, when will you know final decisions as to how much will be spent on Mr Atkinson's office upgrade, and for Mrs Zollo and Ms Rankine?

Mr MAGUIRE: I cannot give you a precise day but, knowing the activity that is happening at the moment, I would imagine it would be either late this year or early in the first quarter next year.

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3741 The CHAIRPERSON: Can you take on notice, then, to confirm to the committee the nature and cost of the ministerial office accommodation upgrades within your building?

Mr MAGUIRE: Yes.

3742 The Hon. B.V. FINNIGAN: I wonder if I could move on from paper clips to serious and organised crime. There were a number of legislative changes made by the parliament to assist in disrupting and dismantling serious and organised crime in this state. Could you give us some information about the effect of that legislation, or the process of introducing it, particularly in relation to the forfeiture of assets from drug traffickers?

Mr MAGUIRE: Serious and organised crime is a major initiative of the government and it is a major initiative, therefore, within the department. I will start by saying on 19 November 2007 cabinet:

1. approved the drafting and introduction of the Serious and Organised Crime (Control) Bill 2007, which provided for declarations against criminal organisations, control orders, public safety orders, a new offence of criminal association, oversight and review of the new powers and operation of the legislation, new stalking offences in the Criminal Law Consolidation Act, amendments to the Bail Act to make it harder for certain people to obtain bail, and amendments to the anti-fortification provisions of the Summary Offences Act;

2. approved the drafting amendments to the Criminal Assets Confiscation Act to provide for unexplained wealth declarations and the forfeiture of assets of declared drug traffickers; and

3. approved additional appropriation and expenditure authorities to justice agencies.

The Statutes Amendment (Public Order Offences) Bill passed parliament on 8 May 2008 and was assented to on 17 April 2008.

3743 The Hon. B.V. FINNIGAN: What was the date that it was passed?

Mr MAGUIRE: It was passed on 8 May 2008 and assented to—it must be the other way around.

3744 The Hon. B.V. FINNIGAN: It could not have been assented to two weeks before it was passed.

Mr MAGUIRE: No. I think it is the other way around. However, the important message is that it commenced on 8 June. The Serious and Organised Crime (Control) Bill passed parliament on 8 May and was assented to on 15 May. That act and the regulations under the act commenced on 4 September 2008. The Criminal Assets Confiscation Bill, which was also approved for development, is in progress.

With respect to the appropriation in this current budget period, additional funding of \$18.9 million over five years has been approved to fund justice agencies to implement changes resulting from these bills. This comprises \$11.1 million to SAPOL to provide for additional civilian staff to support SAPOL to administer and enforce the new serious and organised crime laws. These new civilian positions will provide police with additional specialist skills required in the areas of forensic accounting, financial analysis, legal expertise and intelligence analysis to monitor criminal associations, including analysis of intelligence, confiscation of unexplained wealth and the profits of crime and to prepare evidence for court.

This funding will also provide for a sophisticated computer system to support police to more efficiently and effectively administer and enforce new laws. The new computer system will enable police to collect, assess and analyse daily records across multiple SAPOL data systems, to monitor in real time criminal associations occurring across the state. Indeed, it will also allow identification of associations occurring between people and/or organisations that amount to criminal associations and to prepare necessary applications and briefs of evidence for presentation to the Attorney and the court to obtain public safety orders, declarations of organisations and control orders and to prosecute offences of criminal association.

In addition to this \$11 million, \$2.2 million was assigned to the Crown Solicitor's Office to represent the government in proceeding with challenging the making of declarations and providing legal advice and representation on applications for control orders in the court. Some \$4.2 million was provided to the DPP to prosecute the new offences of breach of control orders, breach of public safety orders, riot and

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affray offences as well as resources for unexplained wealth declarations and declared drug trafficking proceedings.

In addition to this \$4.2 million to the office of the DPP, \$1.4 million was assigned to the Legal Services Commission to assist in the representation of people charged with the new offences who qualify for legal aid. So, all in all, it is a major initiative of this government, and I guess it is a major initiative inside the department.

3745 The Hon. B.V. FINNIGAN: I remember that during the debate on the bill much concern was raised about the civil liberties of those who might be targets of this legislation. Are you satisfied that the safeguards and the judicial oversight that is built into this regime is sufficient to protect those civil liberties?

Mr MAGUIRE: This is a personal opinion, I guess, but I think there are sufficient controls within the legislation that parliament passed and sufficient checks over a period of time. The objective of the bill is to drive out organised crime in this state, and I think this goes a long way towards that.

3746 The Hon. R.P. WORTLEY: On the radio this morning I heard someone say that 96 people who are members of motorcycle gangs were arrested in the past 12 months—before the laws came into effect. What would you expect to be the outcome in the next 12 months? Do you expect a significant number of increased arrests? Obviously, confiscation of assets takes place in other states. How successful is it?

Mr MAGUIRE: In relation to the first question, we do not have a crystal ball about how many people will be convicted. The process begins from declaration. A lot of work is being done in having organised crime groups or motorcycle gangs, if you like, declared. A request for a declaration goes from the police to the Attorney-General. Once a declaration is made, a number of control orders will be put on those who are seen as members of declared outlaw motorcycle gangs. It is difficult to say the amount of activity that will occur in the next 12 months, but we know for certain that there will be challenges on every step of the legislation. It is difficult to project what arrests will be made and how many cases will go through the courts.

3747 The Hon. B.V. FINNIGAN: When you say 'challenges', you mean legal challenges to the constitutionality of the legislation?

Mr MAGUIRE: We project that will happen. It has happened in other states and it will happen here. It is difficult to put numbers on it in the early days, but once those challenges are settled in a court it will flow fairly quickly after that. In relation to the confiscations, we are working through the legislation and the options. We are very aware of what other states have put in place. I understand that the confiscation bills are being drafted. It will take some time to go through the process and into parliament and for parliament to approve the final bills. That will take some time. We hope it will be in parliament early in the new year, so we are working towards that. We see that as a significant plank of this strategy to drive out organised crime in the state.

3748 The Hon. R.P. WORTLEY: I imagine you can arrest a person of a criminal nature a dozen times and it might not change their ways, but, if you take away their assets, they will have a whole new culture and a different mindset.

Mr MAGUIRE: I agree. The evidence shows that assets really matter to the individual we are talking about, so confiscation is an important plank.

3749 The Hon. S.G. WADE: In relation to PPPs, will Mr Severin give an update on the progress of the PPP? I understand we are approaching tender close.

Mr SEVERIN: The lead minister is the Treasurer for the public-private partnerships, including the prison centre and the secure facilities. I am happy to update you on the progress of the tendering process. The tenders will close on 11 December, in accordance with the original time lines. The evaluation is scheduled to be finalised by April next year, with a decision of cabinet for a preferred tenderer being scheduled around June next year. Negotiations with the preferred tenderer will commence, with a schedule date for financial close around September 2009, after which time the project will actually commence the next phase.

The recent announcement made by the Treasurer in relation to a deferment of the physical completion and commercial acceptance of the facilities by some two years for the big prisons and slightly

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shorter for the smaller facilities in Cavan did not impact on the procurement process. There was some indication at that time from the market that the original procurement time lines may have been a bit ambitious, but at the same time, as stated by the Treasurer in his parliamentary statement and media release, the impact of the global economic situation would make this project one that was necessary to be deferred. In short, the project remains on target and on schedule in relation to the original time lines, and I anticipate that, at this point, that will continue.

3750 The Hon. S.G. WADE: Given the instability to which you refer, have any consortia placed on the short list not proceeded, or has the membership of any of the consortia changed?

Mr SEVERIN: All three consortia are proceeding. Given that this is a process of tendering and that there is commercial in confidence, I am not at liberty (also, I might not have all that information, anyway) to discuss any changes of consortia membership. However, that question could be directed to the Treasurer. I can certainly assure the committee that, to my knowledge at this point, there has been no substantial change at all to the lead proponents in relation to the three consortia.

3751 The Hon. S.G. WADE: In relation to the Rural City of Murray Bridge, has the government made any commitments to infrastructure, investment, and the like, in Murray Bridge, and will the government honour those commitments?

Mr SEVERIN: The government has been in discussion with the Rural City of Murray Bridge throughout this project. The city has communicated with and, indeed, met with various ministers. The last meeting took place last Friday afternoon with minister Zollo in relation to the recent announcement the Treasurer made. The council put forward a range of its requirements which, as far as was practicable, initially were incorporated into the tender documents. For example, the treatment of stormwater and the avoidance of any visual pollution as a result of the new infrastructure were incorporated into the tender requirements for the consortia.

A number of additional issues lay outside this project, one of which is the sealing of a currently unsealed road about which the government is undertaking a feasibility study. I understand that the Treasurer has given an in-principle agreement for that to proceed, because it makes a lot of sense. It would mean that the traffic would not have to run through Morris Road, which is the access road to the current prison. Traffic would be able to be diverted around that, allowing not only better access for construction vehicles but also in the future it would allow access to those new facilities while they are operating. The council has been pursuing a range of other matters not the least of which is a desire to extend the metropolitan bus service into Murray Bridge, and the department of transport is dealing with those issues.

We have always put on the table the need to have an industrial-type bus service for the employees. A range of employees, of course, do not live in the area, but they will have to access Murray Bridge from their current place of residence. As part of our planning (and, again with the assistance of the department of transport), we are looking for those types of options. None of that has progressed to a stage where final decisions have been made.

3752 The Hon. S.G. WADE: In your appearance before the committee in June, you indicated that the transport department is undertaking some research. That was not in relation to an industrial bus service but in relation to families of prisoners visiting.

Mr SEVERIN: Yes.

3753 The Hon. S.G. WADE: Has that research been received?

Mr SEVERIN: No, nothing has been finalised. Obviously, the extended time lines do not give us more opportunity to look at those services. In all likelihood, we are looking at two different types of bus services. I cannot see that our correctional officers would like to travel with a lot of visitors to the prison. We are currently funding aid agencies—OARS, for example—to provide bus services, which is also an option that could be expanded. We are looking at the feasibility of that, but, certainly, the requirement to provide some form of public transport to visitors and, of course, to staff, is one we are very much aware of.

3754 The Hon. S.G. WADE: I understood that the OARS service was to Cadell. Have you also expanded the OARS service to Mobilong.

Mr SEVERIN: Not at this point in time.

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3755 The Hon. S.G. WADE: Moving to rehabilitation programs: have there been any recent changes in the delivery of rehabilitation programs, particularly the drug rehabilitation and sex offenders rehabilitation programs? I understand that drug rehabilitation has been wound back and that sex offenders rehabilitation is no longer available at some sites where it was previously available.

Mr SEVERIN: No; there has been no change made in relation to winding anything back. What we have been doing—and I will talk about the drug rehabilitation program first—is that we have introduced a medium impact drug rehabilitation program, which we sourced from New Zealand. We were funded, quite some time ago, to run this program through the provision of six additional psychologist positions in the department and this program is now running. What we are also doing is that we are looking at and we have undertaken a review of our programs to identify if they are still meeting contemporary good practice and, as a result of that review, there will be some decisions made which are yet to be determined by the executive. I have certainly seen an early copy of the review, but all it would do is substitute; it would replace a program (if it is considered not to be as effective now as it might have been when it was introduced) with a better program.

That is quite an exciting piece of work, because we really want to ensure that we maintain relevant programs. Increasingly what we are doing also—and this is not work that is being done only in South Australia—is that we are targeting our resources at the highest level of risk. Research has clearly indicated that targeting intervention programs at prisoners who are assessed as presenting low levels of risk of reoffending is actually counterproductive. Indeed, there was a recidivism study done by Bonta in Canada recently that indicated that it actually increases the risk of recidivism.

3756 The Hon. B.V. FINNIGAN: A study by whom?

Mr SEVERIN: Bonta, who is the psychologist working for the Canadian government in public safety. The Canadians have certainly led the field in relation to recidivism studies over the years. So, what we are looking at is targeting our programs at those prisoners and offenders who are assessed as presenting the highest risk of reoffending, where those programs are most effective. That requires a little rethinking, because people are commonly of the belief that a program is a good thing for everybody. It has been proven that it is not and we want to ensure that we continue, along with every other jurisdiction in Australia, to adjust our service delivery methods.

Coming to the sex offender treatment program: we have changed the delivery of the program by introducing the program into the prison in Mount Gambier and are continuing to run only the maintenance program in Community Corrections. The reason is that we did not have—and that was something that I was certainly keen to achieve—suitable people in the community who should participate in the program. When we first started we were obviously looking at people who had been released previously as sexual offenders and who were already on parole and we had to introduce the program for them. Our aim is to provide this program for people in prison and only on the very rare occasion to have anybody come out of prison who needs the program having to do it in the community. We also have the program, of course, which is run by the health department for child sex offenders and which runs in the community.

So, redirecting those resources to run the program at the Mount Gambier Prison (given that we did not have any outstanding offenders in Community Corrections who were identified as having to do the program) was a very wise decision, and it ensures that more people can participate in the program within the prison system than previously.

3757 The Hon. S.G. WADE: I understood that the intensive program was available at the Port Augusta Prison; is it still available at Port Augusta?

Mr SEVERIN: We are running the violence program at the moment. We will run the sexual offender treatment program again at Port Augusta. We are obviously looking at where we have the assessed offenders. We always run it at Yatala, and we have been running it at Port Augusta. Currently we are running the violence intervention program and it is very likely (and I am not across the planning detail) that the intensive sexual offender treatment program will also run at Port Augusta. What we are doing is that we are ensuring that we are running the program where the need and demand is and, again, making smart use of our resources.

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3758 The Hon. B.V. FINNIGAN: For my benefit and the benefit of others who might not be familiar with these programs, can you clarify the difference between the in prison program and the community corrections program?

Mr SEVERIN: There is very little difference, but we had to run this program both in prisons and community corrections when it first started because there were untreated sexual offenders in community corrections who were identified as requiring this program. So, we caught up with them. They have now participated in the program. We did not have anyone on parole who required this program. Therefore, for a period of time now, we will run this program at the Mount Gambier prison where, obviously, we have identified prisoners who will benefit. The ideal situation is that everyone who requires the program—and not every sexual offender does: the same principle applies, if they are at low risk of reoffending, the program can be counterproductive—should participate in that program while they are still in prison.

3759 The Hon. R.P. WORTLEY: What does the program involve?

Mr SEVERIN: It is a nine-month program that runs every day—not every day in a physical sense together, but there are sort of homework activities for want of a better word. It is an intensive group based program which is co-facilitated by two trained staff, one of whom is a psychologist, and, in most cases, the second person is now an Aboriginal training provider. So, we have a cultural relevance component in that program as well. It is based on cognitive behavioural therapy—and I will not go any further. It is a best practice program, developed and continues to be updated in Canada. We sourced it from Canada through a memorandum of understanding and we have to maintain the qualitative outcomes, and obviously the Canadians monitor that we do not breach the professional requirements.

3760 The Hon. R.P. WORTLEY: Is any medication involved in the program?

Mr SEVERIN: No.

3761 The Hon. R.P. WORTLEY: How do you gauge the success of the program? Is it through reoffending?

Mr SEVERIN: We have an evaluation running parallel with the program and we are looking at the successful completion rates in the first instance and then, of course, reoffending rates. While reoffending rates for sexual offenders are traditionally quite low, the social and economic impact is very high if someone reoffends in that very serious way. The studies at which we are looking at this point in time are very promising. It is too early for us—we need at least five years—to make any informed comment on the impact that it has had in South Australia. Certainly, where the program has been running for a period of time, it has proven to have a positive effect on reducing reoffending.

3762 The Hon. B.V. FINNIGAN: As I understand, the cognitive behavioural therapy is designed to change people's behaviour or the way they think about these offences. Therefore, I assume the aim of that program would be to re-orient (if you like) their thinking about sexual offences, with a view to preventing them from committing them in the future.

Mr SEVERIN: In a very short, brief way—and I am not a professional therapist—my understanding is that the program makes people very much aware of what are the triggers for their deviant behaviours and allows them to develop mechanisms to manage those triggers in a way that they do not end up reoffending. That is sort of the abbreviated version.

3763 The Hon. B.V. FINNIGAN: Assessing the effectiveness of that is something that will take time because, obviously, we do not know whether people will reoffend until they are back in the community.

Mr SEVERIN: The studies that are done overseas obviously also look at other sorts of social impacts and are people then able to live better lives etc., but of course the key success is: are they reoffending?

3764 The CHAIRPERSON: Mr Place, a question in relation to Port Lincoln MFS station. Can you advise the committee whether that construction tender has been finalised and announced, and have you awarded the contract?

Mr PLACE: The project in Port Lincoln has two elements: there is a MFS element and two separate parcels of land.

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3765 The CHAIRPERSON: Just the MFS component.

Mr PLACE: I understand that the Public Works Committee has endorsed the project, but we are still waiting for the tender process.

3766 The CHAIRPERSON: Where is it up to from the department's viewpoint?

Mr PLACE: MFS has had approval from the Development Assessment Commission.

3767 The CHAIRPERSON: I am aware of all of the background. As I understand it, construction companies have lodged tenders. I just want to know whether you have decided on the successful tenderer yet.

Mr PLACE: No. The tender process has not concluded.

3768 The CHAIRPERSON: When will that be concluded?

Mr PLACE: We understand in December or early in the New Year. It is imminent but it is not finalised at this point.

3769 The Hon. B.V. FINNIGAN: Just to clarify this, you were talking earlier about a joint facility for the three services at Port Lincoln.

Mr PLACE: Yes.

3770 The Hon. B.V. FINNIGAN: Is it this facility that you are talking about, or is that something different?

Mr PLACE: Two separate projects on the same sort of common precinct.

3771 The CHAIRPERSON: The first one is from an MFS site and then there will be a joint—

Mr PLACE: CES and CFS.

3772 The CHAIRPERSON: Yes.

3773 The Hon. B.V. FINNIGAN: It is essentially a two-stage project.

Mr PLACE: A two-stage project that is running almost perfectly parallel in terms of timing.

3774 The CHAIRPERSON: I understand that there has been notification that construction was meant to commence next month. I presume that it is imminent as to who the next successful tenderer will be. Can you take on notice and confirm to the committee who the successful tenderer is and the details of the successful tender? In particular, can you provide a response to the committee as to whether or not, in the end, your decision was to take the lowest cost tender? There is certainly some speculation, I guess, amongst some of the companies as to whether or not the decision—which some think has already been taken but you say it has not—will be for the lowest cost tender. If not, can you tell us the reason for moving away from that?

3775 The Hon. B.V. FINNIGAN: Just to clarify, when you said December for the tendering process, is that to finalise the decision on who, and to sign off on it and to let them know; or is that some earlier point in the process that you indicated?

Mr PLACE: It is my understanding that the tender process was completed in December.

3776 The Hon. S.G. WADE: When do you expect work to start?

Mr PLACE: On the MFS site?

3777 The Hon. S.G. WADE: Yes.

Mr PLACE: Probably early in the New Year. In December or early in the New Year.

3778 The CHAIRPERSON: If you could take that on notice.

Mr PLACE: Yes.

3779 The CHAIRPERSON: Mr Maguire, I have a couple of questions in relation to court cases and disciplinary hearings. Regarding the daft and delusional court cases involving the Attorney and a senior



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magistrate, in terms of process—and I will ask you to comment on whether or not you agree with the comments—is the government supporting the Attorney in his legal action, or is this a private defence that the Attorney is mounting?

3780 The Hon. B.V. FINNIGAN: You are asking Mr Maguire to provide information about a case that is before the court.

3781 The CHAIRPERSON: No; I am asking whether or not the government is funding the case. I am not asking him to comment on the case.

Mr MAGUIRE: I cannot answer that. That is a decision that cabinet and the Attorney would have taken to cabinet, so that is a cabinet decision.

3782 The CHAIRPERSON: You, as a department, would have to fund it if there are clear guidelines which allow ministers engaged in these sorts of defences to be reimbursed, and that is actually funded and managed by your department.

Mr MAGUIRE: We have received no documentation about whether the funding has been approved.

3783 The CHAIRPERSON: So there is no funding approval from your department for a defence by the Attorney?

Mr MAGUIRE: Not that I know of.

3784 The CHAIRPERSON: Who else would know of it if you did not?

Mr MAGUIRE: Not many people, I guess.

3785 The Hon. R.P. WORTLEY: In regard to that, is there any precedent for a government paying for a minister's legal actions?

Mr MAGUIRE: It is my understanding that there are a lot of precedents right through—

3786 The Hon. R.P. WORTLEY: The Hon. Mr Lucas, as I understand it, was—

3787 The CHAIRPERSON: Going back to Mr Cornwall.

3788 The Hon. R.P. WORTLEY: So, there are plenty of precedents.

Mr MAGUIRE: There are many examples that could be drawn upon.

3789 The CHAIRPERSON: I suppose it is a reasonable question as to whether or not there has been a process.

3790 The Hon. B.V. FINNIGAN: Can I just clarify that you are saying that it is pretty much the usual practice that, where a minister is facing legal action in connection with the carrying out or discharge of his or her duties, it would be usual for the government to defend the minister in those legal matters?

Mr MAGUIRE: From my understanding, they are the kind of general guidelines that I used.

3791 The Hon. B.V. FINNIGAN: And each case would be—

Mr MAGUIRE: On its merits, yes.

3792 The CHAIRPERSON: In relation to managing the process, are there any justice and process issues in terms of having this senior law officer and a senior magistrate engaged in a legal action? That is, have you, as the Justice portfolio, had to delegate decisions or authorities that the Attorney has that might relate to Mr Cannon in relation to the Magistrates Court, for example? Are there any process issues in terms of conflicts of interest that have had to be delegated because of this legal action?

Mr MAGUIRE: Not as far as I am aware, but you may need also to present that question to the courts.

3793 The CHAIRPERSON: The Courts Administration Authority?

Mr MAGUIRE: Yes.

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3794 The CHAIRPERSON: Okay. So, you are not aware of any delegations that the Attorney has had to engage in as a result of having this court action.

Mr MAGUIRE: Inside the Attorney-General's Department, the administration, no; I am not aware of any issues.

3795 The Hon. B.V. FINNIGAN: Surely, that would be a question for the judiciary.

3796 The CHAIRPERSON: The Courts Administration Authority is what he said. We need to get them here.

The second issue is in relation to the disciplinary hearing against the former senior officer of the Public Trustee. Again, I am not asking you to comment on the outcome of that, but I understand that Mr Moss has undertaken a report and I want to know when there will be a final decision taken by whoever has to take final decisions in terms of the disciplinary action against the former senior officer of the Public Trustee. Secondly, will Mr Moss's report or any summary of that be made available?

Mr MAGUIRE: Let me start from the beginning so we get this on the record. On 23 November 2006, I served a notice of inquiry upon the employee in the Public Trustee following an investigation into allegations of bullying in Public Trustee. I delegated responsibility and powers relating to the conduct of the inquiry to Mr Alan Moss, retired chief judge of the Youth Court and former chief magistrate. The hearing, including legal argument and closing submissions, ran for 32 days, commencing 28 May 2007 and concluding 28 April 2008.

This reinquiry into allegations against a former employee of the Office of the Public Trustee has now been finalised. This reinquiry was a comprehensive and rigorous process, as you can understand. The delegate (that is, Alan Moss) has found the employee liable to disciplinary action. The delegate will now consider what, if any, disciplinary action to impose pursuant to section 58(5) of the Public Sector Management Act 1955.

Under the PSM Act, the employee has the right of appeal to the Disciplinary Appeals Tribunal against the delegate's decision as to the facts and the disciplinary action. Pending any appeal—and it is right at that stage now, whether or not there will be an appeal—this will finalise investigations and consideration of all allegations made during the government investigations unit's investigation into allegations of bullying at the Public Trustee. So, that gives the answer to your first question.

Regarding the second part of your question, which is will I provide the details of this in a public forum, I will take advice on that, and it really does depend on the appeal and a number of matters which I need to consider.

3797 The CHAIRPERSON: Can I clarify something? You said specifically in that written statement, for the record, allegations in relation to bullying. Does bullying include allegations in relation to fraudulent behaviour and a variety of other allegations which have been flying around in relation to this issue?

Mr MAGUIRE: Included in the government investigator's inquiries and submissions to them, there were suggestions along those lines. They have been investigated by the Anticorruption Branch of SAPOL, and the outcome of that was that there is no evidence to suggest that that is the case. So, that has put that to bed.

3798 The CHAIRPERSON: So, that is not the subject of this particular disciplinary—

Mr MAGUIRE: No.

3799 The CHAIRPERSON: If another parliamentary committee, for example, were to explore the issue of allegations of people signing documents when they shouldn't have, fraudulently signing documents, etc., that is currently not the subject of Mr Moss's determinations and appeals?

Mr MAGUIRE: As far as I am aware, the answer is no, but I would like to be absolutely clear on that.

3800 The CHAIRPERSON: Perhaps you could take that on notice because, clearly, parliamentary committees will not go into areas which are currently sub judice but, if this issue is not being explored by Mr Moss and has not been, obviously that no longer applies.

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Mr MAGUIRE: As I said earlier, my understanding is that it has been dealt with but for absolute clarity I will get back to you on that.

3801 The CHAIRPERSON: A final case I want to raise is that of Mr Lindner, a former senior officer of the department. Again, without entering into the current court case and legal position of Mr Lindner, is he still an employee of the government or did he resign? If he resigned, did he receive just his normal payout and entitlements?

Mr MAGUIRE: Mr Lindner resigned, and normal payments and entitlements were provided to him.

3802 The CHAIRPERSON: I will just ask some quick questions on notice, given that time has got away from us. Could you take on notice the issue of what support, as of today, in terms of staff and funding, your department provides to the, I think, three ministers' offices that you work with?

Mr MAGUIRE: We actually have five.

3803 The CHAIRPERSON: Well, the five ministers' offices then. The second thing I would ask you to take on notice is regarding the issue of carryovers. For each of the last two financial years, for 2006-07 and 2007-08, what carryovers did you as a department request, and what was ultimately approved and not approved for those financial years?

For the last one, you will recall that when you were last with us I asked some questions about a government grant to, I think, the Port Lincoln Women's Health Centre for, amongst other things, belly dancing and massages. We received a response where you provided some answers, and there was also an explanation included in that response as to the purposes and benefits of that particular function. I don't expect you to have the information now, but could you clarify whether it is correct that that group, in its function, raised money for a particular charity and made donations to a charity as a result of the function they conducted? That was not included in your documentation, but someone suggested to me that the name is similar to that of a well-known charity in terms of fundraising for charitable events, so could you please clarify that issue for us.

I apologise for keeping you eight minutes over the normal time, but thank you for attending. We hope you can work with Mr Schwarz, the secretary of the committee, to provide answers—hopefully within the four week turnaround, if you can. Thank you for your help.

THE WITNESSES WITHDREW