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8 November 2011

Chief Executive

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Mr Guy Dickson  
Secretary to the Committee  
Legislative Council of South Australia  
Parliament House  
ADELAIDE SA 5000

Dear Mr Dickson

**Re: Budget and Finance Committee**

Please find attached corrections to the transcript for the Budget and Finance Committee session on 31 October 2011.

In addition to the corrections attached – I would also like to make the following points of clarification following receipt of further advice:

- Page 918 – The 27 transactions with vendors include 24 invoices and 3 credit notes.
- Page 920 – The Department has evidence that six, rather than seven, of the suppliers known to have provided gifts or benefits to employees have been purchased from.
- Page 926 – I confirm the matter involving Mr Colin James has now been settled and understand the matter involving Minister Rankine is the only matter outstanding.
- Page 927 – The date for the fit-out relates to July 2011, rather than July 2012.
- Page 928 – I was of the understanding that the original furniture was returned back to the supplier to be refunded due to the faults found. However, I am now advised that the original furniture was returned to the supplier, repaired and is now back with the Department. This furniture will now be used in the fit-out elsewhere in the Department.

My advice is that the costs between the old and new furniture are not comparable as additional office cupboards, fixtures and fittings in the adjoining Executive Assistants' office are included in the later transaction.

- Pages 931, 932 and 942 - I confirm that Mr Alexandrides' role is not an executive role. His remuneration package will be at the top step of an LEC5 level plus an allowance, taking the total remuneration value to be between that paid to employees at the SAES1 and SAES 2 level (rather than the MLS1 and MLS2).
- Page 942 – I can confirm that Mr Lachlan Parker is employed in the temporary role of Business Partner and Team Leader, Media and Communications for the period 7 November 2011 to 4 May 2012. His remuneration package is at the MAS3 classification level plus an allowance. He has no fall back to another public sector role.

- Page 942 – I can confirm that Ms Michelle Virgo has also been appointed to the Department from the former Premier's Office. Ms Virgo won this role following a merit based selection process.
- Page 944 – Mr Geoff Baynes did not receive a targeted voluntary separation package. He received a termination payment pursuant to the conditions of a standard executive contract and the *Public Sector Act 2009*.

Yours sincerely,



**Jerome Maguire**  
Chief Executive  
Attorney-General's Department and  
Department of Justice

8/4/4



# **LEGISLATIVE COUNCIL**

## **BUDGET AND FINANCE COMMITTEE**

Plaza Room, Parliament House, Adelaide

Monday 31 October 2011 at 10:35am

BY AUTHORITY OF THE LEGISLATIVE COUNCIL

MEMBERS:

Hon. R.I. Lucas MLC (Chairperson)  
Hon. J.A. Darley MLC  
Hon. G.A. Kandelaars MLC  
Hon. D.W. Ridgway MLC  
Hon. S.G. Wade MLC  
Hon. C. Zollo MLC

WITNESSES:

JEROME MAGUIRE, Chief Executive, and ANDREW SWANSON, Director, Business and Financial Services, both of Attorney-General's Department, Level 10, 45 Pirie Street, Adelaide 5000, PETER SEVERIN, Chief Executive, Department for Correctional Services, GPO Box 1747, Adelaide 5001, and DAVID PLACE, Chief Executive, South Australian Fire and Emergency Services Commission, GPO Box 2706, Adelaide 5001, called and examined:

6600 The CHAIRPERSON: Welcome to the meeting. The Legislative Council has given the 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 witnesses should be aware that the privilege does not extend to statements made outside of this meeting. All persons, including members of the media, are reminded that the same rules apply as in the reporting of the parliament.

Mr Maguire, if you wouldn't mind, for the benefit of Hansard, at the outset formally introducing yourself and your title and your colleagues at the table and their titles. Once you have completed that task, if you did want to make a brief opening statement to the committee, we would invite you to do so. Thank you for your attendance here this morning.

Mr MAGUIRE: Thank you. My name is Jerome Maguire. I am the Chief Executive of the Attorney-General's Department and the Department of Justice. On my immediate right is Peter Severin. Peter is the Chief Executive Officer for the Department for Correctional Services. On his right is David Place who is the Chief Executive Officer for the South Australian Fire and Emergency Services Commission. On my left is Andrew Swanson. Andrew is the Director of our financial services in the Attorney-General's Department. We don't have opening statements.

6601 The CHAIRPERSON: Thank you for that. Perhaps, just at the outset, we could establish the size of the savings task that is confronting you as a portfolio. When you were last with us in April of this year, obviously prior to this year's budget, you did give us some aggregate figures for the portfolio, in terms of the total savings task that your agency was confronting. That had jumped from, I think, \$18 million last year through to \$35 million, then \$49 million and, finally, in 2013-14, it was \$54.8 million. I am just wondering whether you have an equivalent set of figures for the committee in terms of the total aggregate savings task for the portfolio for this year and for each of the three forward estimate years?

Mr MAGUIRE: No, I don't have those figures here with me.

6602 The CHAIRPERSON: Could you take that on notice then?

Mr MAGUIRE: We sure can, yes.

6603 The CHAIRPERSON: That is an aggregate savings task, so it includes not just this most recent budget, obviously, but the flow-on effects of 2006-07, for example, efficiency dividends

and other things like that that flow through to your task. It would be fair to say that it is not less than the task you outlined to the committee in April of this year?

Mr MAGUIRE: I would have thought it would be slightly more—

6604 The CHAIRPERSON: Yes, fair enough.

Mr MAGUIRE: —following last year's budget announcements.

6605 The CHAIRPERSON: Yes, obviously. Alright, if you could take that on notice and do that for the portfolio, then also the constituent parts so that the share of the task that Corrections, SAFECOM and others might share—SAPOL, for example—are shown in that total task.

Mr MAGUIRE: Sure.

6606 The CHAIRPERSON: Turning to the issue of printer cartridges, Mr Maguire, can you indicate to the committee, as a result of having received the letter or email from the Chief Executive Officer of the Department of the Premier and Cabinet a little over a month ago, what has been the result of your investigations into the extent of any potential problems within the justice portfolio?

Mr MAGUIRE: Okay. We are still undergoing a major review of this area. What I can say, though, to start with, is that we share the view that this is totally unacceptable practice. There are some unscrupulous suppliers who are peddling this practice and we don't support that one bit.

6607 The CHAIRPERSON: This practice being what? What is your understanding of this practice?

Mr MAGUIRE: The practice of providing incentives—incentivising purchases, if you like—so we are undertaking a major review. At this stage I can tell you that we have uncovered one particular purchase which dates back to 2007, which was three cartridges from one of the suppliers identified by the Victorian review and the WA review. We understand that would be less than \$1,000 worth of purchase, so we are still looking through that process.

What we would like to do through the review—we are involving consideration of issues such as invoices for specific vendors who are alleged to have provided incentives, as you would expect; high-value invoices for stationery and printer cartridges; stationery expenditure patterns by supplier over recent financial years; stationery expenditure patterns by business units over recent financial years; and a review of the itemised stationery reports.

I would like to draw the committee's attention to the fact that in the Attorney-General's Department there are around 30 business units and each of those business units has its own budget allocation for stationery, and they are responsible for monitoring the monthly accounts that they get. They are required to sign off on those accounts, so there is a good degree of control in the system. For example, our expenditure in the last year was less than in the previous year, so we do have a bit of a tight rein on the expenditure.

What has been uncovered by these corruption reviews interstate is that it is a difficult exercise to actually stamp out all that behaviour across the sector. As we know, we have laws in place for a lot of things, and public servants, clergy, politicians, family and friends disappoint, at times, in terms of their behaviour, and sometimes do unlawful things that you wouldn't expect them to do, so no matter what laws are there will always be an opportunity to rot a system.

Our review will look at how—if it is possible—we can engineer out a practice or a temptation and, if we can't engineer it out, we will look at putting in some risk management strategies. Educating our staff and continuing that process is important in terms of ethical behaviour and what constitutes that sort of behaviour in the public sector. So, there are a lot of issues that we are trying to cover off in this review, not just the fact that there may be some errant purchases of cartridges that date back a number of years.

J. MAGUIRE  
A. SWANSON  
P. SEVERIN  
D. PLACE

Mr SEVERIN: Could I make a comment on behalf of the Department for Correctional Services?

6608 The CHAIRPERSON: Certainly, yes.

Mr SEVERIN: Following the communication from the chief executive of the Premier's department, we undertook a review of the vendor file and identified that none of the six vendors in question had ever traded with DCS. We followed that up by contacting our business managers to establish which vendors they actually use, and we then checked that none of those vendors, indeed, provided any incentive. They didn't incentivise the purchase and the prices were at normal market rates, or actually better. Of course, we predominantly use one particular vendor, except in country regions (Port Lincoln, for example), where, as required, local suppliers are also being used but only to a very, very small extent.

I personally wrote a minute to all business units and senior managers, reminding staff of their purchasing responsibilities in accordance with the code of ethics and relevant accounting standards, so I am satisfied that the review we have undertaken, which was as thorough as it could have been, did not identify any inappropriate practices in our department.

Mr PLACE: With the vendors who were listed, our scan of our contractor payments has found one record. That was by MFS for the purchase of two cartridges to the value of about \$300. The bulk of our printing is done—we contract for the supply of the printers, the equipment that they run, the consumables, etc., so we do not normally buy printer cartridges. We just need to check through with some of the smaller regional locations as Peter has indicated. There may be local arrangements in place. At this point, we have not uncovered anything other than the one from the Metropolitan Fire Service.

6609 The CHAIRPERSON: Mr Maguire, you indicated one particular invoice. Is it not correct that from one section of the Justice portfolio, the Office of the Liquor and Gambling Commissioner, there have already been established seven separate invoices that have been received from companies that have been named?

Mr MAGUIRE: My advice, I guess, from that question is that in 2010-11, there is a total spend of about \$2,700 across three invoices from one of the vendors, and that is still being investigated. The brief here does not tell me exactly where it is from, but we understand that it is from one of those particular suppliers that has been identified.

6610 The CHAIRPERSON: My question to you, Mr Maguire: is it not correct that there have not been one nor three but seven separate invoices from one section of your portfolio, the liquor and gambling commissioner's office, that has been identified from these particular vendors?

Mr MAGUIRE: No, the advice is that one particular item is under investigation, one particular purchase, which is the one I mentioned at the beginning; the others aren't under investigation. These are—

6611 The CHAIRPERSON: So, there are seven invoices.

Mr MAGUIRE: Actually, I can tell you from those particular suppliers that a total number of payments to the vendors that have been identified, those suppliers that we talk about, there has been 27 payments over the past 10 years and a total of \$21,000 has been spent in the past 10 years for those particular suppliers.

6612 The CHAIRPERSON: And how many invoices?

Mr MAGUIRE: Twenty-seven.

6613 The CHAIRPERSON: Twenty-seven, okay; and from which sections? How many of them from the Office of the Liquor and Gambling Commissioner?

Mr MAGUIRE: We don't have that detail here. We can come back to you on that, but we don't have the detail here in front of us.

6614 The CHAIRPERSON: So, you are saying to the committee now that there are 27 invoices that you have identified.

Mr MAGUIRE: Twenty-seven and one under investigation.

6615 The CHAIRPERSON: And the reason for the one being under investigation as to why you are looking at that particular one as distinct from the other 26?

Mr MAGUIRE: My advice is that it is because of what was on the invoice, the reason why it is actually being investigated.

6616 The CHAIRPERSON: Is that the only reason?

Mr MAGUIRE: That is my understanding.

6617 The CHAIRPERSON: Are you aware, Mr Maguire, from the investigations you have conducted that some of these vendors are arranging in some circumstances not to put on the invoice the provision of the Samsung digital camera or the voucher but they have actually made private arrangements with the public servants to deliver the goods or the benefits to the public servant's home address so that there is no reference on the invoice?

Mr MAGUIRE: The purpose of our review is to go into that sort of detail.

6618 The CHAIRPERSON: So you are not aware of that at this stage?

Mr MAGUIRE: We have heard that comment but our review will be investigating those sorts of matters.

6619 The CHAIRPERSON: So if the other 26 don't actually have listed, for example, a Samsung digital video or whatever it might happen to be or a camera on it, how are you proposing to investigate the potential provision of benefits to public servants to private home addresses?

Mr MAGUIRE: My advice is that we are taking legal advice and determining the most appropriate way to do those investigations.

6620 The CHAIRPERSON: Is this investigation, at this stage, only what I would refer to as an internal investigation by your department, or has it been referred to the Government Investigations Unit or the Auditor-General or the South Australian police?

Mr MAGUIRE: In relation to 26 of those payments, none of those have been referred to the police or our Government Investigations Unit, but the one item that I told you about that we think there may be room for investigation has been referred to another department because the individual involved is a public servant and has moved to another department and under the Public Sector Act that department is required to do the investigation.

6621 The CHAIRPERSON: So, none of the invoices have yet been referred to the Government Investigations Unit or the South Australian police?

Mr MAGUIRE: Not at this stage.

6622 The CHAIRPERSON: So, who is conducting the investigation?

Mr MAGUIRE: The internal investigation in our department is being conducted jointly by our procurement head and Andrew Swanson, business and finance.

6623 The CHAIRPERSON: Who is the procurement head?

Mr MAGUIRE: His name is Mark Pickford, Director of Procurement.

6624 The CHAIRPERSON: So, Mr Pickford and Mr Swanson are conducting the investigation and that's going back, or has gone back, 10 years, you say?

Mr MAGUIRE: For these vendors, yes.

6625 The CHAIRPERSON: Can I just clarify because of something Mr Severin said, and I will just clarify your understanding. This committee is aware of eight company names linked to the Victorian base suppliers. Mr Severin said he'd been provided with six vendors. Can you clarify, is your search of only six names or is it of eight company related names?

Mr MAGUIRE: We understand that eight is the correct number in terms of suppliers, but we have only evidence that seven of these suppliers have been used in those 27 invoices that were raised.

Mr SEVERIN: Can I just clarify that? The information that I relied on here didn't include the fact that we were subsequently advised of two other vendors. We contacted those and they also confirmed that we had not traded with those vendors. So, we did complete the checks on all eight vendors that eventually were identified. The original communication from the chief executive of the Premier's department only identified six, but subsequently two more were brought to our notice.

6626 The CHAIRPERSON: Mr Maguire, are you aware that I've lodged a freedom of information request looking for all documents providing advice to you? There is a first one in relation to printer cartridges that went to the department, but there is a second one which related to advice that had gone to you since 1 September in relation to this particular issue. Firstly, are you aware of that particular freedom of information request?

Mr MAGUIRE: I'm not sure. You've actually put in an earlier one.

6627 The CHAIRPERSON: Yes; that was in relation to all invoices, but there's a subsequent freedom of information which related to advice to you, as chief executive, on this particular issue.

Mr MAGUIRE: I can't recall seeing that as well. I don't know. Have you got a specific date that you could—

6628 The CHAIRPERSON: It's all right. I'm just asking whether you know. If you're not familiar with it then you're not familiar with it.

Mr MAGUIRE: Yes; but I'm aware of your earlier FOI request.

6629 The CHAIRPERSON: Yes; I accept that.

6630 The Hon. CARMEL ZOLLO: Perhaps you can provide Mr Maguire with a date and then he might be able to follow it up.

6631 The CHAIRPERSON: Well, I can, but it is on file, your freedom of information office would have it. If you're not familiar with it I can't ask you further questions about the issue. What I want to ask you, however, is: is it correct that you've received an advice which went to you and also to the Attorney-General in relation to this particular issue since 1 September? That is, an advice from your department in relation to this issue and indicating that there was at least one suspicious invoice within the department.

Mr MAGUIRE: The advice that I have received is as I described earlier, that there is one particular matter that is being investigated, and that is the advice that I have.

6632 The CHAIRPERSON: Has the Auditor-General been advised at all yet of the concern you have and your current investigation?

Mr MAGUIRE: No. We are going through this investigation process, or review process. Until such time as we find that there are matters that need further investigation, we wouldn't be advising the Auditor-General about what we are doing. We are taking notice of the head of Premier and Cabinet, his letter to me, and other chief executives, and we are undertaking a review, but at this stage we don't have any material to take to the Auditor-General.

6633 The CHAIRPERSON: Are you aware separately that the Auditor-General's office is conducting any inquiry on their own volition in relation to your portfolio, on this issue of printer cartridges?

Mr MAGUIRE: No, I have no knowledge of that at all.

6634 The CHAIRPERSON: Are you aware that there are other companies other than the eight to which you have done a vendor search, both South Australian and interstate-based, that offer similar benefit schemes in relation to printer cartridges?

Mr MAGUIRE: I have to say my advice is that we have no other knowledge of other suppliers that have been trying to do business with our department offering such incentives.

6635 The CHAIRPERSON: Perhaps if I could inform you that there are other local-based suppliers and interstate suppliers that do offer similar benefit schemes, and some well-known ones. I must say from the outset, in the chair, I make no criticism at this stage of individual companies. They can offer benefit schemes. For example, if you are a private sector purchaser and you choose to pay more for a cartridge and get a digital camera, that is a decision for you to take. Ultimately, it is only a difficulty in relation to public servants who are using taxpayer funds if they are paying higher prices and taking personal benefits. So I think there are two issues there, and I want to make it clear from my viewpoint as an individual that I make no criticism, necessarily, of companies that offer benefit schemes.

Given the further investigations you have to undertake, if you do establish, as I have just outlined to you, that there are other South Australian and interstate-based companies that are offering benefit schemes, how would you propose to investigate whether or not there are similar problems in terms of purchases from those companies not currently being investigated as part of these eight companies listed for you?

Mr MAGUIRE: There's a bigger picture and that would be: if we did uncover companies that were offering similar incentives, we would naturally raise it to the highest level—Premier and Cabinet and the Auditor-General; and the State Procurement Board, I would have thought, would be a very interested party. I would be advising my colleagues the same. Internally, we would go through the same process as we are with the suppliers that we know about and understand exactly what our purchases are from those companies.

6636 The CHAIRPERSON: I guess my question is: if a particular public servant purchased a large number of cartridges at potentially inflated prices from a company other than the eight, is your current search going to throw that up or is it limited strictly just to the eight listed companies?

Mr MAGUIRE: You would hope that a search and a review, and interviewing purchasing officers and the like, potentially would throw up company names that were providing incentives.

6637 The CHAIRPERSON: You would hope that, but can you take that on notice, then, and advise the committee as to whether your investigation is currently doing that, or will do that, in relation to purchases from companies other than the eight listed?

Mr MAGUIRE: I am happy to do that.

6638 The CHAIRPERSON: Clearly, from the advice that we have received a public servant, for example, who paid inflated prices and took a personal benefit has clearly committed offences. What is your current advice as to the nature of those offences? Clearly, other departments have referred some public servants to the police already, so there is obviously some indication that there are offences serious enough for the police to investigate. Firstly, there would be breaches, I assume, of the Commissioner for Public Employment guidelines and codes of conduct. Can you outline to the committee, in the circumstances I have outlined, what are the offences that a public servant would be committing?

Mr MAGUIRE: I can tell you that there are two broad streams here: one would be a criminal offence. So, there is an offence that would be referred to the police's Anti-Corruption Branch—

6639 The CHAIRPERSON: What would that be—abuse of public office? What would be the nature of the criminal offence?

Mr MAGUIRE: It would obviously depend on what the nature of the offence was. I can't tell you, in law, what those offences would constitute without knowing the details, but if it is a criminal offence, it would be referred to the police. If it was a code of ethics matter, the Public Sector Act outlines the requirements that you are required to undertake. The individual would go through a disciplinary inquiry, and the results of this inquiry have a range of remedies from a

reprimand right through to dismissal, but it really does depend on the circumstances of the matter that we are talking about.

6640 The CHAIRPERSON: It is clearly also a breach to the Commissioner for Public Employment's guidelines on gifts and benefits.

Mr MAGUIRE: Absolutely.

6641 The CHAIRPERSON: What is the end result of that? Is that, again, a disciplinary inquiry conducted by a department or an agency?

Mr MAGUIRE: If it is a code of ethics matter, which is the guidelines of the Commissioner for Public Employment, the act deals with that, and the chief executive leads a disciplinary inquiry in the respective department. Depending on the nature of the offence, as I say, the penalties can range from a managerial reprimand through to a dismissal, but it really does depend on the magnitude and the severity of the case.

6642 The CHAIRPERSON: Sure. Is it also a breach of the Treasurer's Instructions, and have you taken advice on that?

Mr MAGUIRE: I would have to take advice on that.

6643 The CHAIRPERSON: Okay; so can you take advice as to whether a public servant who is paying inflated prices and taking personal benefits is a breach of the Treasurer's Instructions in relation to how public servants should behave?

Mr MAGUIRE: I'm happy to take advice.

6644 The Hon. CARMEL ZOLLO: Mr Maguire, I also make the comment that it is also appropriate—and, indeed, I imagine that is what most CEs do—to take crown law advice as to the seriousness of the matter that is being investigated before action is taken, in most cases.

Mr MAGUIRE: Thank you; I totally endorse that. In fact, generally if it is a serious matter, it is referred to the government investigator to start with, and that applies not just for the Attorney General's matters but across the public sector. The government investigator would determine whether there is a criminal intent, and through the government investigator's advice, if it's criminal, you would refer it to the Anti-Corruption Branch in police. If it's not criminal, it goes into a disciplinary process under the Public Sector Act.

6645 The Hon. D.W. RIDGWAY: Mr Maguire, previous evidence we have had to the committee in relation to this type of events is that e-procurement software has been used to screen purchases. Does your department run that same software and is that still being used?

Mr MAGUIRE: E-procurement is managed by Shared Services in the Department of Treasury and Finance, and most agencies are linked to the procurement module, so we would be using e-procurement.

6646 The Hon. D.W. RIDGWAY: So how have you conducted the search—the review—across purchases from your department?

Mr MAGUIRE: E-procurement came in recently—I can't give you the exact date—so the purchases that were purchased since e-procurement was adopted across the agencies, we would be checking the invoices using the e-procurement system. Prior to that, we would go back to the old filing system that we would be checking against.

6647 The Hon. D.W. RIDGWAY: When you say 'old filing system', presumably that is not pieces of paper in a filing cabinet; it is a bit more sophisticated than that?

Mr MAGUIRE: Some are scanned and some would be—particularly if they are very old receipts—back into files.

6648 The Hon. D.W. RIDGWAY: With the e-procurement program, does that throw up anomalies in the system, or is it a reporting measure? For example, perhaps a purchase of \$500 a month is standard purchasing on a commodity such as a printer cartridge, but if something irregular

crops up, are there any alerts or mechanisms in that software to alert managers that things have strayed from the ordinary?

Mr MAGUIRE: Our understanding is that it has the capability to do that but you need to define the reports that you might wish to look at as I guess is what we are doing now with our review. Because all the data is captured electronically, you can determine what reports you may wish to take and so you can get those reports.

6649 The Hon. D.W. RIDGWAY: What reports does your department request?

Mr MAGUIRE: I can't tell you here. I would have to come back and give advice to the committee.

6650 The Hon. G.A. KANDELAARS: Further to that, you would have to say that e-procurement enhances the capability of actually looking for fraudulent activity.

Mr MAGUIRE: It certainly does. E-procurement is probably like a bank statement that you get now where you can, from your own personal bank statements, do searches on what you are purchasing and so forth. E-procurement would be a very flexible procurement tool whereby you could actually do searches for particular supplies and particular items, I would have thought.

6651 The CHAIRPERSON: You said that you or your officers have identified 27 invoices over the 10-year search. Approximately when was the earliest? You indicated that one of them was in 2007. Approximately how old is the oldest invoice?

Mr MAGUIRE: My advice is that we have gone back 10 years, so 2001-02.

6652 The CHAIRPERSON: Yes, but you have indicated that one of them was in 2007, which is certainly earlier than the committee has been advised in relation to other departments. I think we have had advice about two years and three years; this goes back four years now.

Mr MAGUIRE: We would have to take that on notice. It is just data that I do not have.

6653 The CHAIRPERSON: So you can advise the committee. You said earlier that one of the public servants, or the public servant at this stage, that is being questioned is no longer with you but is with another department.

Mr MAGUIRE: Yes.

6654 The CHAIRPERSON: In terms of Public Service protocol, if a disciplinary inquiry is instituted does that have to now be instituted by the chief executive of the officer's new department?

Mr MAGUIRE: Yes; that's a fact.

6655 The CHAIRPERSON: And they would need to liaise with you and your officers, obviously, in relation to the prosecution of the case, I guess.

Mr MAGUIRE: Yes, exactly.

6656 The CHAIRPERSON: Mr Place, you indicated that you had established one invoice. Can you indicate when that was?

Mr PLACE: I have everything but the date in front of me.

6657 The CHAIRPERSON: If you can take that on notice through the meeting and provide it by the end, that would be good. That investigation has covered what period? You have only gone back through e-procurement for the just over two years, or does it go back 10 years like the Attorney-General's portfolio?

Mr PLACE: We have gone back over the last two years.

6658 The CHAIRPERSON: In that two-year period there is one invoice. Do you have the capacity and/or the willingness to go back and look at invoices before that two-year period,

given that your sister portfolio (if I can put it that way) or your sister agency within the portfolio has now established invoices from these vendors certainly going back beyond the two-year period?

Mr PLACE: We are only just currently still in the process of rolling out our electronics records management systems, so to go that far back would be extremely onerous but—

6659 The Hon. CARMEL ZOLLO: I don't think SAFECOM as an entity existed.

Mr PLACE: In 2005 was when we commenced so that would be as far back as we would have it.

6660 The CHAIRPERSON: But your constituent parts certainly existed in the MFS, CFS.

Mr PLACE: I think the main issue is that I would probably go back and just check on it.

6661 The CHAIRPERSON: Can we clarify that: is this just a SAFECOM purchase or does this cover MFS, CFS and all of your constituent parts?

Mr PLACE: Going back two years they have crossed the four agencies.

6662 The CHAIRPERSON: The four agencies, yes, and so how would a search be conducted? For example, if the Auditor-General comes to you at some stage and says, 'You have to do this,' how would that be done? The MFS would have to do the search back beyond two years, would it?

Mr PLACE: We would go back through our contracts for those vendors and work our way through. Some would be electronic and some would be paper based. We will just have to pull out the records as required.

6663 The CHAIRPERSON: I take it from that you have not yet been contacted by the Auditor-General in relation to this particular issue?

Mr PLACE: I'm not aware of us being contacted, no.

6664 The CHAIRPERSON: Can I, Mr Maguire, raise the general issue of costs in relation to some of the cases that the department has been involved with? You have previously given the committee advice that things were still in progress, for example, and you could not respond. For example, in relation to the Finks' legal position, your previous advice was that that was still on train and you could not provide the committee with an indication of what the taxpayers' costs were for that particular action. Are you in a position today to provide that detail?

Mr MAGUIRE: No, I am not in a position today to provide that detail.

6665 The CHAIRPERSON: Can you take that on notice? Can you briefly explain where that is up to? Is that a concluded action and is it just a question of totalling up the cost, or is there some ongoing issue?

Mr MAGUIRE: I would have to come back to this committee. I do not want to mislead the committee. I would like to come back to the committee with precise details of where each of these matters are up to. You would be aware that new bills have been developed to cover the issues of the two High Court appeals. But I cannot tell you here—I don't have that information with me—exactly where the Finks matter is up to. Some of it was contingent on the outcome of those appeals. If it pleases the committee, I can come back to the committee with a fulsome answer.

6666 The CHAIRPERSON: Sure. What we are interested in—and, clearly, any development of new legislation is a separate but related matter, but we are not looking for the cost of that. What we are looking for is the issue of having fought the case, what the costs were in relation to that. If you can update the committee as to where we are up to on that.

6667 The Hon. S.G. WADE: If I can clarify your question on behalf of the CEO, I understood your question would address not just the cost of the state running its own case but also any costs that might have needed to pay for other parties, e.g., the Finks.

6668 The CHAIRPERSON: Certainly, the total costs.

Mr MAGUIRE: I'm happy to do the total cost. I don't have the data here, but I am very happy to come back and give you a more fulsome answer, in particular where it is up to as well, what the status of that particular case is.

6669 The CHAIRPERSON: I think some figures have been given, but if you could update this committee. In relation to the court challenge for water entitlements, is that concluded and are there now final costs in relation to that particular action, or proposed action?

Mr MAGUIRE: I don't have that detail with me either, and I am more than happy to come back to the committee with that.

6670 The CHAIRPERSON: Can you clarify, because various other agencies have employed consultants to advise the government on that case. They clearly would not be legal costs. I think the Department of the Premier and Cabinet have advised this committee of various experts or consultants who have been employed. When you answer in relation to that, can you give us some detail of what is and is not covered in relation to your estimate of costs? If, for example, you do include the cost of these consultants that other departments and agencies have employed, could you make that clear to us? We would not want to double the count in terms of what the cost of this case might have been.

Mr MAGUIRE: I can give you any costs that are on our ledger. If we are aware of the costs that other departments are incurring we can lead you to that department. They can confirm costs for you.

6671 The CHAIRPERSON: Just on this issue of costs, when you were last with the committee you gave us evidence and then you clarified it subsequently in relation to former attorney-general Atkinson's defamation case with *The Advertiser* journalist Colin James. At that stage, I think when you gave evidence, the estimated costs were about \$72,000 to the private legal firm, and you thought at the time of the evidence that the matter had been concluded. You have subsequently advised the committee by letter that you had been misinformed and, I presume from that, therefore, that the matter was still ongoing and had not been settled. Are you able now to advise the committee as to what the latest estimate of costs are, and has, to your knowledge, the matter been finally settled?

Mr MAGUIRE: My advice is that the matter has been settled. The settlement may well be a confidential matter, a clause in the settlement, so I will need to come back to this committee to tell you whether I can lawfully give you that information. If I can, I will give you the precise costs.

6672 The CHAIRPERSON: Sure; but I am assuming that the state wouldn't enter into an agreement which prevented a parliamentary committee knowing how much the taxpayers have finally paid. The terms of any settlement—if there was an apology, those sorts of things—may well be provisions of a confidential settlement, but in terms of taxpayer funds going into any settlement I am assuming that the state wouldn't have entered into some agreement that that would be kept confidential.

Mr MAGUIRE: I will need to take advice on that. I don't know what the deed of confidentiality actually said, but it would be a legal matter that I will need to determine.

6673 The CHAIRPERSON: So you will take on notice as to what the total taxpayer-funded costs were in relation to that issue?

Mr MAGUIRE: Yes.

6674 The CHAIRPERSON: In relation to the current defamation proceedings involving minister Rankine, do you have an estimate as to what, if any, costs have been met by taxpayers for that defamation action?

Mr MAGUIRE: I have no information with me on that defamation action.

6675 The CHAIRPERSON: So can you take on notice then as to what the costs, if any, are that have been incurred in relation to that defamation action?

Mr MAGUIRE: I can do that.

6676 The CHAIRPERSON: Are you aware of any other defamation actions involving government ministers for which a ministerial indemnity might have been given that might incur costs for you and your agency?

Mr MAGUIRE: I certainly have no knowledge other than what we have just been talking about.

6677 The CHAIRPERSON: So other than the Rankine case and possibly still the Atkinson case?

Mr MAGUIRE: Yes; that's it.

6678 The CHAIRPERSON: There are no others; okay.

6679 The Hon. S.G. WADE: At the last committee hearing in April you indicated that it was expected that the Attorney would be taking a submission to cabinet in relation to the business model review for the Crown Solicitor's Office. Has cabinet finalised its consideration? What are the outcomes of the review and the progress, if any, on the outcomes?

Mr MAGUIRE: It is correct that at our last committee hearing we talked about that. We had Pricewaterhouse undertaking a major review of the Crown. I can advise the committee that a very early draft of that review was discussed by some of the committee members in the last week or so. Our goal is to have the final draft to the Attorney by the end of this year.

Last time I gave the indication that it was going to be sooner than what I am talking about now, but there have been a number of reasons for it taking some time, not the least being that some of the task force that the consultants engaged had some illness and other matters that came about, plus the task has been a lot more complex than what we first thought. We do hope to have something to the Attorney by the end of this calendar year, and I am sure he will be taking it to his cabinet colleagues in the new year.

6680 The Hon. S.G. WADE: Why would the Attorney-General's Department's financial statements not be up to a standard such that the Auditor-General could include them in his recent report?

Mr MAGUIRE: The Auditor-General has advised that, based on the quality of the financial statements submitted as of 11 August 2011, they will now be included in the Auditor-General's supplementary report to parliament rather than the main report. I think that is the matter you are referring to.

It is important to note here that the non-inclusion of the department's financial report in the Auditor-General's Report to parliament does not reflect on the audit opinion of the department that is likely to be issued. It only reflects on the audit that could not commence as originally scheduled.

Since 2009-10 the committee would be aware that the Shared Services organisation has had the main responsibility for preparing our financial statements, as it does for most other government agencies. I have been pretty disappointed that we haven't made this initial report—the main report—and I have spoken to the Executive Director of Shared Services about the financial preparation process. Once the audit program has been completed, I intend to take this matter up with the Shared Services office. We need to work together so that, in future years, we are not left in this circumstance.

I feel obliged to tell the committee that Shared Services had some staff movement that impacted on our particular area of business. They had a lot deeper knowledge of the Attorney-General's Department and, through staff movement, Shared Services had a challenge meeting the time frame. So, it is not all a Shared Services issue, but it is predominantly a matter of Shared Services and how they address this for the future. That is the reason.

6681 The Hon. S.G. WADE: I understand that your office has been recently renovated. What was the cost and what were the deliverables?

Mr MAGUIRE: We termed this project in the Attorney-General's Department 'Base Camp Revamp', and there is a bit of detail behind this. The accommodation refurbishment project originated with a proposal to renew the lease for all the floors in 45 Pirie Street. I think I told the committee at least one or two meetings ago that, as opportunities arose over time, leases became available. So, we had a whole pile of leases that had different start and finalisation dates.

We negotiated with the builder that we would have a 10-year lease for all floors that we occupied in 45 Pirie Street. In doing so, the builder offered a lease incentive to the department. That lease incentive contributed to the capital contribution towards the fit-out and the balance was taken up as rental reduction over the remaining term of the lease.

I can tell you that the Attorney-General's Department allocated approximately \$5 million of the lease incentive towards fit-outs for the whole building which were completed in July 2012—so, they were completed this year. Two floors were completely refurbished in line with the GOAC standards and a series of minor fit-out modifications were also undertaken on remaining floors to meet business requirements of the various divisions.

The department also contributed additional funding of around \$600,000 over the life of the project for further works, including the replacement of our ageing security system and improved staff amenities. You would be aware, if you have been into the building in recent times, that there is a much stronger security presence and security turnstiles at the entry of the building. The contribution included \$300,000 building contingency—which included, on the advice from DTEI, project services—which is now projected to be substantially underutilised. So, that contingency fund won't be fully utilised.

As of September 2011, the total estimated project cost was \$5,200,000 and a contingency has been retained, with a slight underspend in the original project budget as projected. So, pretty much in summary, the project was on budget, or slightly under budget, and on time. I have to say that I as a tenant and all the tenants I talk to in the building—their own staff and business units—are more than happy with the quality of the builders and the work that they have done.

6682 The CHAIRPERSON: Just on that issue, the total refit you are talking about over two floors was a bit over \$5 million. How much was the refit for your floor? Your floor is level 10, is it?

Mr MAGUIRE: Yes.

6683 The CHAIRPERSON: How much was the refit the level 10?

Mr MAGUIRE: We can't itemise each—the \$5 million was for the complete fit-out. It wasn't just for the two floors.

6684 The CHAIRPERSON: Mainly two floors, but there was minor work on other floors?

Mr MAGUIRE: Other floors.

6685 The CHAIRPERSON: Yes.

Mr MAGUIRE: I can't tell you. The contract was a contract for the whole fit-out; we didn't itemise any particular floor. If you are really interested in that minor detail I can see what we can do.

6686 The CHAIRPERSON: Could you take on notice what information you could provide to the committee. Is it correct that, as part of this refit, new furniture was provided for your chief executive's office and when you looked at it you didn't like it and you told them to get rid of the new furniture and that you wanted new new furniture—you wanted it replaced?

Mr MAGUIRE: Interesting detail. The initial furniture was expensive furniture from an overseas supplier. It had a lot of defaults and I was—

6687 The CHAIRPERSON: A lot of what?

Mr MAGUIRE: Defaults in the furniture.

6688 The CHAIRPERSON: As in what?

Mr MAGUIRE: As in things didn't fit, they had scratches on them and they were poor quality, in my assessment, so I didn't want that furniture. It was taken back by the supplier and we actually ended up with a cheaper and better quality product.

6689 The CHAIRPERSON: So the supplier—

Mr MAGUIRE: It was pretty much a default remedy.

6690 The CHAIRPERSON: So the supplier took it back. It wasn't used elsewhere within the refit?

Mr MAGUIRE: Not to my knowledge; no, it wasn't. To my knowledge, no.

6691 The CHAIRPERSON: Can you take on notice just to clarify your knowledge?

Mr MAGUIRE: Yes.

6692 The CHAIRPERSON: So it wasn't used elsewhere and you're saying that the same supplier provided alternative furniture for your office that you were happy with.

Mr MAGUIRE: The supplier of the particular furniture that I know about—I can come back and clarify this if my understanding is incorrect—who supplied the original desk and table was not the supplier who supplied the desk and table that are in my office at the moment.

6693 The CHAIRPERSON: So you replaced the desk, table and chairs, I understand?

Mr MAGUIRE: No, the chairs were different.

6694 The CHAIRPERSON: Are you happy with the chairs?

Mr MAGUIRE: Happy with the chairs; they're fine.

6695 The CHAIRPERSON: The desk and table you were unhappy with. What you are saying is that the original supplier had to take those back at a cost to them, obviously?

Mr MAGUIRE: Absolutely, yes.

6696 The CHAIRPERSON: Can you take on notice and advise or assure the committee that there was no cost involved to the taxpayer—

Mr MAGUIRE: Absolutely.

6697 The CHAIRPERSON: —in relation to them? I understand the difficulty you have in disaggregating the costs down from this \$5 million, but you might be able to disaggregate this particular section as to the furniture for your own office and assure the committee that there wasn't additional cost incurred to taxpayers by you replacing your desk and table.

Mr MAGUIRE: I'm more than happy to supply that.

6698 The Hon. D.W. RIDGWAY: Mr Maguire, in your evidence you said that two floors were refurbished in line with some sort of requirements, and I couldn't—

Mr MAGUIRE: That's GOAC, government accommodation requirements, yes.

6699 The Hon. D.W. RIDGWAY: I couldn't quite hear that. Thank you, that is all I sought to clarify.

6700 The CHAIRPERSON: Does GOAC still exist under that name?

Mr SEVERIN: I am assuming it does, yes.

6701 The CHAIRPERSON: It does. It's just that I used to get minutes of GOAC committee meetings and I ran into problems with FOI when they told me it didn't exist, but I am glad to hear that it still does. I will watch the FOI requests, yes.

6702 The Hon. D.W. RIDGWAY: From the point of view of disability access, has that been improved in the building?

Mr MAGUIRE: Absolutely. In fact, that was a key requirement of the fit-out. If you go into the building now you will note, for example, that the lifts are disability access enabled, so we now have buttons that can be pressed by people in wheelchairs, etc., and the turnstiles coming into the building. I think there are at least two more disabled toilets—there was only ever one—in the building.

6703 The Hon. D.W. RIDGWAY: I am sure you would be aware of the concerns I raised last parliamentary sitting week in relation to the Supreme Court and its lack of disability access, for want of a better word. What plans does the department have to revamp that particular building? Clearly, that building is an embarrassment to South Australia and it seems that money is being spent on your offices but the highest court in the state is being left to rack and ruin.

Mr MAGUIRE: You would have to address the Courts Administration Authority on that. That is the organisation that would put a proposal to the Attorney or to cabinet. It is not part of our reach, from the department's point of view.

6704 The Hon. S.G. WADE: Supplementary to that, at the estimates committee the Chief Justice indicated that they would need to do a business case into the project. Would a business case of that nature be funded by the Courts Administration Authority or by the portfolio?

Mr MAGUIRE: In my view, it should be funded by the Courts Administration Authority.

6705 The Hon. S.G. WADE: Considering that there have been a number of proposals that such a facility might actually collocate a number of Justice portfolios services, in that circumstance wouldn't it be appropriate for the portfolio to fund it rather than the agency?

Mr MAGUIRE: I would imagine if you were going to put up a major business case for such a big development initiative that you are talking about, you would probably want to seek Treasury and Finance's help and assistance with that. So you would probably seek a budget to do that. I wouldn't imagine our department or the courts department to be able to find that sort of budget to fund a serious business case for such a big development.

6706 The Hon. G.A. KANDELAARS: Given the recent positive developments in the Louise Bell case, can you give us some details about how the increased budget allocation to Forensic Science SA is being used?

Mr MAGUIRE: Yes, a good question; we have a very strong and very impressive forensic science organisation in this state. Forensic science plays a pivotal role in reducing crime through the application of advanced scientific crime fighting, as we well know, and the use of the latest technology.

It has been interesting to note that the Australian Bureau of Statistics figures released in 2010 show that the state's crime levels have declined for the seventh year running. Sexual assaults are at the lowest level since 2000. Coordinated efforts across the disciplines of pathology, toxicology, chemistry and biology within Forensic Science SA has provided crucial and timely forensic evidence in high profile criminal matters.

Urgent investigative work resulted in information leading to arrest in homicides from Callington, Kapunda, Hallett Cove and more recently at Seacliff. Noteworthy convictions were progressed by the provision of crucial forensic evidence in unique cases, including the Melissa Koch homicide disguised as a hanging suicide; the Paolo Miranda homicide (the victim's body was never located); and child abuse charges (two very young victims abused from 1978 to 1983). Where DNA was recovered from the crime scene, it was typed successfully after 30 years.

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Forensic Science SA continues to produce excellent outcomes for the state's unsolved sexual assault matters. Three recent examples include individual arrests for 19 offences, including 12 counts of rape, eight offences (five of which were rape), and four offences (four of which were rape). There was also this recent breakthrough in the Louise Bell case that you mentioned. This utilised new technology adopted by forensic science and funded through prior government commitments.

I guess these are just some examples of how Forensic Science SA is making a significant contribution to the criminal investigations within this state. In 2011-12 the budget provided an additional \$500,000 per annum indexed from 2011-12 for Forensic Science SA for further support to their services in DNA analysis. Sustaining FSSA services, as we know them, to keep up with the demand is critical to delivering the state's law and order program. The funding of \$2.1 million over four years will bring more criminals to justice. Most importantly, from where we sit in the department, it will give closure to victims and their families. Thank you for your question.

6707 The Hon. CARMEL ZOLLO: Gentlemen, I am also interested in hearing about some of the expanded or improved initiatives in last year's budget and this year's. Perhaps we could start with the area of the justice videoconferencing project. Apart from the obvious benefit of reducing the number of prisoner transports between the correctional services and the courts—and I am particularly interested in that because of my former background—what benefits are there, if you wouldn't mind outlining those for the committee? In particular I am interested in hearing about whether it is going to assist vulnerable witnesses at all.

Mr MAGUIRE: That was a very important whole of justice (as we refer to it) project whereupon key members from right across the justice environment supported this initiative to Treasury and finance, and Treasury agreed to this through a budget proposition. The aim of the project is to use videoconferencing, as you would expect, to deliver outcomes that are consistent with an ongoing review of improvements, both in efficiency and also, I guess, in terms of effectiveness for victims and families, in particular to hear and record evidence from vulnerable witnesses to comply with the evidence miscellaneous amendment bill and the Criminal Law Consolidation (Rape and Sexual Offences) Amendment Bill.

As you mentioned, it does significantly impact on reducing prisoner transport between correctional institutions and courts. We can now hear evidence from experts and remote witnesses to allow testimony from outside the court, including from regional, interstate and overseas locations. We have established a technical foundation that will support the wider use of videoconferencing throughout the justice portfolio. So, it's not just limited to the criminal matters of the courts. The adoption of videoconferencing has continued to grow. For example, 2010, at June, we had about 204 monthly usage, and in April 2011 (so, eight months later) we are up to 270 on a monthly usage. It is growing very handsomely.

Over that period, from June to April, the testimony of 49 vulnerable witnesses was recorded, over a total of 197 videoconferences. So, that answers the question that it is highly used by vulnerable witnesses as well. The number of in-custody videoconference appearances before courts over the period from June 2010 to April 2011 was 1,564, leading to a reduction in prisoner movement transport. It speaks for itself, that a transport reduction is occurring.

In a significant step toward meeting the aims of the project, the Supreme Court recently introduced a ruling (in February 2011) requiring in-custody appearances to be conducted by videoconferencing for specific matters. That was a major issue for us, so that with the support of the Supreme Court videoconferencing is now a part of the fabric of the justice system. At the conclusion of the project there will be 74 videoconferencing suites across the justice portfolio.

6708 The Hon. CARMEL ZOLLO: I am pleased to see that's now well established because it was something that was being spoken about and, indeed, commenced when I was minister.

6709 The Hon. J.A. DARLEY: Mr Maguire, can you tell me what was the estimated cost of putting in that system and what are the cost savings to date?

Mr MAGUIRE: I don't actually have the project budget numbers here with me, but I can come back to you. In terms of putting up that budget bid, we would have developed a business case to do that. So, we can come back with the estimating savings as well. I have to say, what probably won't be in the business case is hard numbers in terms of how we get better victim settlement and better victim satisfaction. We will be able to give you hard numbers about changing the transport, for example, but in terms of a better outcome for victims, we think there's a far-reaching outcome positive.

6710 The Hon. J.A. DARLEY: That's understandable.

6711 The Hon. CARMEL ZOLLO: Certainly at the emotional level, as you have pointed out, and that's really what it's all about is support for the victims in particular.

Mr MAGUIRE: It is. The vulnerable witnesses are a very important part of it.

6712 The CHAIRPERSON: Can you inform the committee of whether Mr Nick Alexandrides, the former premier's former chief of staff, has returned to a position within the broader justice portfolio, and if yes, what is that position?

Mr MAGUIRE: Nick Alexandrides, as you mentioned, has been the chief of staff for the former premier. He was always on leave without pay from the department. His original career, and most of his career, was as a very senior prosecutor in the Office of the Director of Public Prosecutions.

6713 The CHAIRPERSON: That would be a happy reunion with him and Mr Pallasas.

Mr MAGUIRE: He is currently on leave and he will be returning (importantly) to the Attorney-General's Department, so we will honour the leave without pay and his return. Mr Alexandrides, as I have already mentioned, had a distinguished career in the Office of the Director of Public Prosecutions and rose to be a lead prosecutor in many complex and high profile criminal matters. Indeed, his contemporaries at that time included the now Solicitor-General, and several current members of the judiciary in both the Supreme and District courts.

Mr Alexandrides will return to the Crown Solicitor's Office and be a senior member of the advising section in the Crown Solicitor's Office, so that we will get to use Mr Alexandrides' expertise in government business but, importantly, also, we will be asking Nick to help assist the crown counsel area by his counsel skills for matters that go to court. So, we will not only be using his expertise in government business but also his counsel expertise in assisting the crown when there are matters that need counsel.

6714 The CHAIRPERSON: What is the position formally called again?

Mr MAGUIRE: I'm not sure whether we actually gave the position a title, but he is a senior member.

6715 The CHAIRPERSON: He would need something to put on his business card.

Mr MAGUIRE: That is probably going to be determined by the Crown Solicitor's Office. He will be working and advising, and I am sure titles don't matter to people like Nick and his colleagues. They are just interested in doing good work for the state.

6716 The CHAIRPERSON: And the remuneration package for that position?

Mr MAGUIRE: His remuneration package will be between—you may or may not know this. In the crown there are executive levels ranging from an MLS1, a managing legal services position, through to MLS4. In the Crown Solicitor's Office, the Crown Solicitor, for example, is the top at MLS4. The Deputy Crown Solicitor is an MLS3. There is a group of crown solicitors called assistant crown solicitors at MLS2 level, and there is a group below that at the MLS1 level and they are more junior executives, budding future leaders in the crown. I have negotiated a position for Nick and he will be pitched between an MLS1 and a MLS2 position.

6717 The CHAIRPERSON: He is MLS1½, is he?

Mr MAGUIRE: You could say he is a very senior counsel to the crown.

6718 The CHAIRPERSON: In lay person's terms, what does that mean the taxpayers are funding in terms of a remuneration package for an MLS1½?

Mr MAGUIRE: His salary is slightly over \$200,000. MLS1 is about high ones and MLS2 is about mid-tvos, so he's in between.

6719 The CHAIRPERSON: So MLS2 is about \$250,000, or something like that, so he will be just over \$200,000 approximately?

Mr MAGUIRE: Yes.

6720 The CHAIRPERSON: Is that just salary, or is that the TEC, the total employment cost?

Mr MAGUIRE: You would know about this, but the TEC of salaries for executives (and they are all executives) is total employment costs. It includes superannuation, car, if he wishes to take a car, or whatever. That is all wrapped up in the one package.

6721 The Hon. S. WADE: I think you used the expression that he would be involved with crown counsel. Do you mean crown counsel or the Crown Advocate?

Mr MAGUIRE: He will be doing counsel work. The Crown Advocate is a counsel position.

6722 The Hon. S. WADE: Michael Evans?

Mr MAGUIRE: Michael Evans, and the counsel people.

6723 The Hon. S. WADE: How many people are currently in the Crown Advocate's unit?

Mr MAGUIRE: I would have to come back and confirm to you but they originally started with six, I think including the Crown Advocate, but, depending on the matters they have to hand, it probably does move.

6724 The Hon. S. WADE: I would be interested to know the classifications.

Mr MAGUIRE: I am happy to come back with that.

6725 The Hon. CARMEL ZOLLO: Are you also aware of the government's commitment that could improve the information available to bail authorities as part of our process improvement project? Can you report to the committee on the progress of that particular project?

Mr MAGUIRE: This project is another whole of justice important initiative and funding was applied to this about 18 months ago now. We titled it the Bail Process Improvement Project and the Chief Magistrate, Ms Elizabeth Bolton, sits on the steering committee that I chair. So the Bail Process Improvement Project was funded and initiated to improve the information available to bail authorities (committee members may be aware that bail authorities are the South Australia Police and courts) when they are determining whether to grant or refuse bail, or any subsequent variation to it.

The Bail Process Improvement Project involves the implementation of a system—a computer system—and a business process improvement, to improve the information available to each of the bail authorities by providing a consolidated report of all relevant bail agreements that an individual facing the bail authority has—so, both current and past bail agreements—and other information which is already held electronically and is actually important to the bail decision-making process.

6726 The Hon. CARMEL ZOLLO: Is that part of the JIS system?

Mr MAGUIRE: It is a subset of the JIS system, but it joins up data, importantly, that the South Australian police have, as well as other parts of the JIS system. The project has involved extensive consultation and input from the Courts Administration Authority, the judiciary, Peter's organisation (the Department for Correctional Services), South Australia Police (as you would expect), Families SA (because they have input in here), and the Office of the Director of Public Prosecutions.

The project was initiated in May 2011, and required business practice changes and system modifications, which are now in place. The primary beneficiaries are police, courts, the DPP, defence counsel—they are much more aware about what issues they need to deal with—defendants, victims and guarantors. The benefits of the project include a consolidated view of bail information for a person who has been apprehended in cases before the judiciary.

More timely access to bail information allows improved decision-making by bail authorities, and you would expect much better outcomes for justice. We hope we will have a significant impact on the justice of individuals who front bail authorities when a decision needs to be made as to whether that person gets bail or is remanded in custody.

6727 The Hon. CARMEL ZOLLO: Thank you, that is good to hear.

6728 The Hon. G.A. KANDELAARS: Can you tell us about the initiative in relation to the law reform institute, its establishment and some of its proposed activities?

Mr MAGUIRE: Yes, this is a new initiative of our Attorney-General John Rau. On 7 December 2010, the Attorney-General announced that South Australia was to get a law reform institute for the first time in more than 20 years. The institute will assist in streamlining South Australian laws and the management of justice, and will put this state at the forefront of law reform in Australia. The department has worked in collaboration with the Law Society and the University of Adelaide to establish the the South Australian Law Reform Institute.

I guess from our point of view, the benefits we see are that the institute will help modernise, simplify and consolidate laws and the administration of justice in the justice system and, in doing so, will improve access to justice for the community. There will be independent legal minds turning their minds to, 'How can we modernise some of the laws that we have in this state?'

The institute will work also to lead to repeal laws that are obsolete and unnecessary in the community today. The institute will consult and collaborate with law reform agencies in other states and territories, and proposals to reform laws in other jurisdictions or within the commonwealth. As members would know, we are not the first to have a law reform institute in Australia.

It will complement the University of Adelaide's Law School—which is an important part of this agreement with the Adelaide University—and provide integrated learning opportunities for students at undergraduate and postgraduate levels. It will certainly strengthen ties between the Adelaide Law School, the Attorney-General's Department and the profession, and I am very hopeful that it will help us in recruiting the best we can from the Law School at the Adelaide University.

The institute is governed by a board which will consider and recommend review proposals for projects to be undertaken by the institute. Importantly, the board constitutes some of the best legal minds in this state, such as Professor John Williams, who is now the director of the institute; Professor Rosemary Owens, the Dean of the Adelaide Law School (who is a nominee); the Hon. Justice Tom Gray (the Chief Justice of South Australia's nominee); the Hon. Justice David Bleby (the Vice Chancellor's and President's nominee for the institute); Jonathan Wells QC (from the South Australian Bar Association); and Terry Evans (from the Law Society, as their nominee).

The board first met in April this year and formed subcommittees for two areas that it wished to take on as the first challenges. The first subcommittee is for succession planning and also succession subcommittee review. It will be reviewing all the laws relating to wills, family provision and the administration of estates. That is very important for all members of the South Australian community. The other one is also an important area of reform: the evidence subcommittee. The institute will be turning its mind to the Evidence Act to make sure it better reflects modern communication technology areas of this state. All in all, in summary, we see this as a fairly significant reform for South Australian law and we look forward to good outcomes from that institute.

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6729 The Hon. S.G. WADE: I am wondering how many lawyers are currently employed by the Office of the Director of Public Prosecutions, that is in 2010-11, and how many are projected to be employed in the 2011-12 year?

Mr MAGUIRE: We would have come back to you on that; I don't have that detail with me at the moment.

6730 The Hon. S.G. WADE: Does the department expect that the Office of the Director of Public Prosecutions will be able to maintain the current range of services within the 2011-12 budget allocation?

Mr MAGUIRE: My expectation is yes, but let me say this to the committee: we had significant budget savings challenges, as all departments have, and we all know the reasons behind that but it's been a strategy of mine—and the Attorney-General has fully supported this—that we have instituted our budget savings to each business unit in the Attorney-General's Department. However, in coming to the quantum of those budget savings, we have looked at the various business units and we have made a decision that those areas that impact on the most vulnerable people in this state will have the lowest budget savings challenges that they have to address.

I would like to nominate those areas here and tell you about them. They are the Guardianship Board, the Public Advocate and the DPP. The DPP deals with and tries to provide resolution for victims who are often some of the most disadvantaged people in the state. The Office of the Public Advocate and the Guardianship Board deal with some of the most disadvantaged people in our state. So we have had, if you like, the lightest touch we can possibly have on each of those three institutions. Forensic science is probably the other one that we have had the lightest touch on because they are also part of dealing with justice and trying to have resolution for victims.

Having said that, all agencies within the department have had to have some budget savings attached to their budget. The Office of the Director of Public Prosecutions (DPP) is not immune to that but it has had one of the smallest budget savings, pro rata, compared to the rest of the department.

I have met with the DPP and some of his management staff to discuss the challenges that he has in front of him. They are modest in relative terms across the department but yet they are still challenges, and he and his management committee have given me a commitment that they will do their best endeavours to meet those challenges. As you would expect, the Attorney has a great deal of sympathy for the work they do and we will be giving them the best assistance we can for them to meet those challenges.

6731 The Hon. S.G. WADE: When you met with the DPP and his management staff, they didn't foreshadow that they would need to limit the range of services that they offer?

Mr MAGUIRE: They say it's going to be a challenge for them, basically. I'm not going to disclose what we discussed verbatim but suffice to say they made it very clear to me that it's a challenge for them to meet their budget savings, and they have made a commitment that they will do their best endeavours.

6732 The Hon. J.A. DARLEY: What is the estimated cost of setting up this institute and what is the estimated annual running cost?

Mr MAGUIRE: The costs are predominantly in-kind support by the University of Adelaide, but we are providing secretarial support, and I believe it is a part-time position. It would be around \$40,000 to \$50,000 per annum—a part-time position to support the secretariat.

6733 The Hon. S.G. WADE: I wonder if right now might be an appropriate time to put a question on notice; it is too detailed for now. It is following on the discussion we had previously about victims of crime. In answer to questions on notice provided on 22 July, the department provided a breakdown of revenue components for the Victims of Crime Fund. Can you provide us with the actual result for 2010-11 and any variations for the budget in the out years?

Mr MAGUIRE: Yes, sure.

6734 The Hon. S.G. WADE: In answer to questions on notice provided on 22 July, the department provided expenditure for each of the elements that the Victims of Crime Fund funds. Can you provide us with the actual result for 2010-11? What is the level of the victims of crime levy collections expected in the 2011-12 financial year? How many applications to the Victims of Crime Fund were received during the 2010-11 financial year? How many applications to the fund were approved during the 2010-11 financial year? How many payments were there in each of the 5,000 bands? The reply you gave us was very helpful; a similar format would be appreciated.

How many applications has the Attorney-General's Department received from victims of abuse in state care under the CISC scheme? How many offers have been made? What was the average value of offers made, how many offers have been accepted, and what was the average value of offers accepted? On average, how long have applicants who are yet to receive an offer been waiting since the application was lodged?

In April I asked for the number of full-time equivalent of Crown Solicitor office staff who assess victims of crime applications. I was told that eight officers are involved but they do not all work full-time. What is the full-time equivalent of lawyers involved in assessing victims of crime applications? What is the full-time equivalent of law clerks involved in assessing victims of crime applications? What is the full-time equivalent of other staff involved in assessing victims of crime applications?

What was the cost of processing victim of crime applications in the 2010-11 financial year? This one need not be on notice. Previously we discussed what the department was working on in terms of spending the money that is now amassing in the fund. Is the department currently considering a separate statutory address scheme for victims of abuse in state care?

Mr MAGUIRE: On that latter point, no, I don't have any knowledge of any redress independent of what is already in play.

6735 The Hon. S.G. WADE: If I could put another question of a similar nature on notice to Mr Severin. I appreciate that ROGS is in the process of changing the way it counts prisoner capacity. Could you explain to us whether we will continue to get design capacity in the next ROGS or whether we will be moving completely to operational capacity?

Mr SEVERIN: My understanding is that the next ROGS may well include design capacity. South Australia, as I have advised the committee in response to a question on notice, has not maintained this methodology since 2007, so we don't generate those figures. As of 2013 (that is the report relating to the 2011-12 financial year) my understanding is that the category will change to just reflect operational capacity, which obviously is a far more credible and accurate way of identifying the actual capacity utilisation within prisons.

6736 The Hon. S.G. WADE: If you could take on notice: how many of our prisoners are accommodated in a room with just one occupant, a room with two occupants, a room with three occupants, a room with four occupants, or a room with more than four occupants?

Mr SEVERIN: I would have to take that on notice.

6737 The CHAIRPERSON: If I could just raise an issue that was raised at the last committee meeting with Mr Place in relation to the MFS. You would be familiar that I raised at the last committee hearing, and you provided us with some answers, that the enterprise agreement between the union and MFS is that there be at least six commander level positions. Treasury, for some reason, over a period of time funded eight commander level positions, and for at least a period since 2006 it appears that the MFS have operated with just the six commander positions. Then, just at the end of last year, the MFS advertised for three new commander level positions to take it up to the eight, and then went through a process of offering TVSPs. One was accepted, and you have advised that the cost of that TVSP was \$277,000 and I think there was some discussion about another TVSP.

So in essence, what we had was a situation where, because of the Sustainable Budget Commission, the MFS was going to be required to stay at the level it was already operating

at—which was six commander level positions. For some reason the MFS employed three new people just before it then offered TVSPs to at least one, and maybe two, people.

What is not answered in the comprehensive answers to the questions is: how is this consistent with TVSP policy in relation to the offering of packages for the reduction of positions? There were already six commander level positions within the MFS; how is it consistent to appoint new ones and then offer packages just to move you back to the number you were at originally? How did Treasury approve that under the TVSP guidelines?

Mr PLACE: I will probably take that question on notice in a formal sense, but we did work through with Treasury and the MFS to verify the outcome of this. I don't have the actual details with me on those individual circumstances, but it also incorporated an assistant chief officer role as well. I probably need to go back and formally check that, but it was done in conjunction with Treasury and it approved the process.

6738 The CHAIRPERSON: This is one of the questions I asked before. While there is a comprehensive answer about the process, ultimately there is not an answer to the question about how generally, under a TVSP package, either the position disappears or there is a net reduction in the head count, whatever it is. In this case there were only six there. I think the argument seems to hinge on the fact that the MFS could have had eight, so just before the TVSPs it appointed three new ones. Then we spent \$277,000 on removing one of the existing commanders from his or her position within the MFS. I am seeking an explanation as to how that it is a net reduction in positions, or the removal of a position that had previously existed.

I guess there is a technical argument: 'We were funded for eight even though we hadn't used eight for five or six years; therefore we are entitled to reduce.' If that is the answer then so be it, but I am hoping there might be some better explanation as to how it is consistent with the TVSP policy that we pay \$277,000 for a 59-year-old person to leave the MFS when at the same time or just days beforehand we appoint three new people to those particular positions. Can you also update the committee as to whether there has been any other TVSP offered to either the assistant chief officer or commander level positions, or is that still the only TVSP that was offered in that area?

Mr PLACE: I might start from the end and work my way back. My understanding (and I might need to clarify some of the finer points) is that the MFS was required to remove four positions over the length of the Sustainable Budget Commission out years. Three have currently been removed. In relation to the—

6739 The CHAIRPERSON: Do you concede, though, that two of those had not existed until you actually appointed people?

Mr PLACE: I don't have the detail here, but the MFS organisational chart does not take into account the fact that through the EB arrangements they need to supply a duty commander (I think the level was) to the equivalent of eight FTEs. So it actually has been funded and budgeted through there. Regarding the actual mechanism, I think we have already provided the process: we worked in conjunction with Treasury, so it is my understanding that it has been done appropriately and MFS is on target to meeting its total reductions as per the Sustainable Budget Commission.

6740 The CHAIRPERSON: So you will take that on notice and advise the committee particularly in relation to how it is consistent with the TVSP policy for either an abolition of a position or the reduction of a position?

Mr PLACE: I thought we had, but I am happy to relook at it.

6741 The CHAIRPERSON: If you could take on notice, that would be good. Could I also ask you about the contractual dispute with Unique Building & Project Management Ltd, the building project manager in relation to a number of fire stations and surf lifesaving facilities? Are you able to update the committee as to where those proceedings are? As I understand it, an officer has resigned, but are there any ongoing inquiries in relation to this issue?

Mr PLACE: It might be easier if I start at the beginning and work our way through. The project manager, the SAFECOM employee you referred to, approved out of scope funding for the Port Lincoln SES/CFS project, outside of his Treasurer's Instructions and various other arrangements that were supposed to be in place and concealed them, as far as we are aware, from anyone in our sector.

When we became aware of that, we engaged Justice Internal Audit to do an initial investigation and subsequently realised the seriousness of it. That went up to SAPOL's Anti-Corruption Branch and my understanding is they have completed their deliberations and the matter has now been handed over to the DPP. We are yet to find out any more than that. I don't know what the recommendation is.

6742 The CHAIRPERSON: It is still with the DPP is it?

Mr PLACE: Relatively recently given to the DPP.

6743 The CHAIRPERSON: Okay.

Mr PLACE: Like in the last couple of months.

6744 The CHAIRPERSON: Okay.

Mr PLACE: So, in relation to him, the person resigned and will, I guess, await the outcome of the DPP process. As part of our investigations into this officer, we became aware that he had engaged Unique Building company and the prepayments were made, again, outside of the Treasurer's Instructions and other various acts and principles around behaviour. There was money spent before work had commenced on three CFS projects—namely Wilmington, Hamley Bridge and Balaklava—and a prepayment to 18 minor CFS and SES various projects and also engagement in the Surf Life project at Surf Central at West Beach.

In relation to that and the formal legal process, obviously, we are working with the Crown Solicitor's Office in this. On behalf of both the CFS and SES, they have issued a notice in compliance with rule 33 of the District Court Rules. It is a preliminary process required prior to commencing formal legal action for debt recovery. Since that has been lodged, Unique have written a letter back to us with a counterclaim of \$3.6 million, which doesn't seem to have much basis in anything. At the moment, crown law is currently assessing the nature and extent of our issues—in conjunction with Housing SA, which also has a claim with Unique builders—to determine the most appropriate legal strategy for seeking recovery of the moneys.

6745 The CHAIRPERSON: The original prepayment was of the order of \$1.5 million, was it not?

Mr PLACE: The prepayment, I think, when I announced it here—at that point, as this was an unfolding evolving event—was just over \$1 million. The prepayment issue has now been clarified to \$933,000 of which, off the top of my head, I think is \$726,000 for those three major projects and the balance on the other minor projects.

6746 The CHAIRPERSON: Was the claim for repayment that was made for the order of \$750,000? How much was claimed for repayment?

Mr PLACE: We have invoiced for the total amount—\$933,000.

6747 The CHAIRPERSON: So, the claim from the department is that the total amount of nine-hundred and whatever thousand it is—

Mr PLACE: Nine thirty-three.

6748 The CHAIRPERSON: —be repaid. I am assuming none of that has been repaid by Unique?

Mr PLACE: Not at this point.

6749 The CHAIRPERSON: Okay. You say there is a counterclaim against the department of \$3.6 million?

Mr PLACE: Not a formal claim. They have responded in writing with a series of claims in a letter, but it is not part of the court proceedings yet.

6750 The CHAIRPERSON: Alright.

6751 The Hon. G.A. KANDELAARS: So, they haven't lodged a defence yet?

Mr PLACE: Not that I'm aware of, no.

6752 The CHAIRPERSON: So, at this stage, it is, what, awaiting hearing in the court?

Mr PLACE: Yes, for the project manager and how the court will deal with him and also with Unique.

6753 The CHAIRPERSON: Well, in relation the project manager, it is with the DPP as to whether it proceeds beyond there, but, in relation to the other ones, formal court proceedings have been issued by the department or the government, I suppose, seeking the money back from Unique?

Mr PLACE: Correct.

6754 The CHAIRPERSON: In relation to Surf Central, you told us there that the project was not completed and the forecast cost to complete included a potential cost overrun. You still didn't know at that stage what the potential cost overrun was and you were undertaking another tender process, I presume, to ascertain what the additional blowout would be or the additional cost. Are you now in a position to advise the committee what that potential additional cost is?

Mr PLACE: We do have those numbers. The matter is, I guess, right in the middle of negotiations with Surf Life now—how that is dealt with. At the moment—

6755 The CHAIRPERSON: That's the issue of who shares what cost, though, isn't it? You advised the committee that there was some debate going on between SAFECOM and Surf Life Saving as to who would pay the additional costs.

Mr PLACE: There is a legal liability and I think we are still working through that issue. The amount that Surf Life believe may be in or out of that number is still being negotiated with them.

6756 The CHAIRPERSON: What I am interested in is what is that number? What is the number?

Mr PLACE: We haven't agreed that Surf Life have—I think there is about \$822,000 that they are seeking.

6757 The CHAIRPERSON: Surf Life Saving are seeking \$822,000?

Mr PLACE: Correct.

6758 The CHAIRPERSON: That is to complete the project?

Mr PLACE: Correct.

6759 The CHAIRPERSON: That's to do the landscaping and whatever else?

Mr PLACE: We're not accepting that, by the way.

6760 The CHAIRPERSON: No.

Mr PLACE: We're just at that point in negotiations.

6761 The CHAIRPERSON: You advised the committee that further understanding of the potential overexpenditure is being sought via a tender process currently underway. Was that tender process conducted by Surf Life Saving or by you?

Mr PLACE: It was done by Surf Life Saving under project owner but we had full disclosure and our officers—in fact, one of them is present in the room—was actually present during the assessment of those tenders, and the lowest tender was successful.

6762 The CHAIRPERSON: \$822,000 was the lowest?

Mr PLACE: There were other elements of that cost which are still in negotiation.

6763 The CHAIRPERSON: But the lowest cost of that tender was \$822,000?

Mr PLACE: Including things that Surf Life believe are part of our liability.

6764 The CHAIRPERSON: So you are saying that you are now negotiating as to whether it is \$822,000 or some lower number, I assume. But whatever that number is—if it is \$822,000—is there an agreement as to who is paying for it? Is it the taxpayers? Is it Surf Life Saving?

Mr PLACE: We haven't decided that yet.

6765 The CHAIRPERSON: So how is that to be resolved?

Mr PLACE: We're taking the approach that Surf Life will be taking—

6766 The CHAIRPERSON: It was your project manager who was managing this project, was it not?

Mr PLACE: But he was under the leadership of Surf Life Saving. They signed him up as a project manager under the—

6767 The CHAIRPERSON: This is the same project manager who has now resigned and is subject to DPP consideration of possible charges. He was a full-time employee of SAFECOM, was he not?

Mr PLACE: Correct. The legal liability here has not yet been determined.

6768 The CHAIRPERSON: You're arguing that it may well be that Surf Life Saving has to pay for the \$822,000?

Mr PLACE: Or elements of it.

6769 The CHAIRPERSON: So the possible time line to resolve this? This been going on for, as you know, a long time. Where do you see your current negotiations in terms of who is going to share the cost and when the project is actually going to be finished?

Mr PLACE: Well, they're two separate issues.

6770 The CHAIRPERSON: Sure.

Mr PLACE: The building you're referring to was stage 1 of the project which was, in essence, an operational facility for Surf Life. That was going to be built simultaneously with Surf Life Saving money, along with some commonwealth grant money for stage 2, which was an administration and public training facility. Stage 1 and stage 2 were both put to tender simultaneously, and we were obviously involved with stage 1 of the tender process.

Stage 2 has also been completed and the building work has actually recommenced, so we're actually looking to deal with how much we pay Surf Life Saving, if we do, as opposed to whether or not the project will be recommenced. I think the roof is going on in the next week or so. So the building is happening, it's really just a matter of who owes who what.

6771 The CHAIRPERSON: How is this project happening if you're still resolving what the costs of the tender is going to be and what's acceptable and who's paying for it?

Mr PLACE: Surf Life have sold their existing premises on Henley Beach Road. We would have to ask them about their cash-flow issues, but they have proceeded with the project—it is their building project.

6772 The CHAIRPERSON: You're saying they are proceeding on the \$822,000 tender?

Mr PLACE: Along with stage 2 as well, which is about—

6773 The CHAIRPERSON: Yes, but in relation to this blowout issue they are proceeding on the \$822,000 tender, so all that has to be resolved now is how much they pay and how much SAFECOM pays.

Mr PLACE: Correct.

6774 The CHAIRPERSON: The time line for resolving that issue?

Mr PLACE: I guess that will be a matter for the courts to decide, perhaps.

6775 The CHAIRPERSON: Is it already in the courts, is it?

Mr PLACE: No. Sorry, that was a wrong statement. It will be a matter for the Crown Solicitor's Office to advise us how best to resolve this, and we're working with them.

6776 The CHAIRPERSON: So it's indeterminate as to when that might be resolved.

6777 The Hon. D.W. RIDGWAY: I have a question for Mr Severin. I have been provided with the Correctional Services' drug screening statistics for the first four or five months of this year. It appears, from just a quick observation, that there's roughly 700 to 900 screenings a month conducted. Community Corrections centres are running at about 50 per cent of those testing positive, and prisons at around 30 per cent. Why do we have what seems such an unacceptably high level of positive returns, given as little as two years ago the minister was in the media talking about being tougher on drugs and alcohol in our correctional facilities?

Mr SEVERIN: Thanks for that question. It actually gives me an opportunity to clarify what is really a misinterpretation of the whole testing program. This is a targeted testing program, meaning it is not a statistically valid random testing program which will give you an accurate reflection of the actual drug use in our prisons or in community corrections. So, we are testing people on suspicion of having some private access to illicit drugs in prisons. We are testing people at the direction of the Parole Board pending their consideration of their parole applications. We are testing people before they actually want to move from an open security environment into a pre-release centre and the likes.

The testing regime is very much, as far as the prisons are concerned, a targeted only regime, randomised to some extent where it relates to people who are accommodated in drug-free units such as those at Cadell Training Centre. So, the statistical relevance of 24 or 25 per cent is not at all indicative of the actual drug use that occurs in prison. All it reflects is the result of those targeted tests that are undertaken for various purposes, unless of course they include targeting those we suspect of having consumed drugs.

In the community, for instance, the department has significantly increased its testing regime in order to first of all take account of the fact that people in the community do have access to drugs, illicitly obviously, without us having any control over that. Where our focus is in the community is to ensure that when somebody tests positive, this is immediately brought to the attention of the sentencing authorities being the Parole Board or the courts.

By ramping up the testing program and actually doubling our staff that we are using that we originally funded some years ago for alcohol and other drugs management group which is two staff, we have actually recruited another two staff so that we have two new staff. The reason is that we want to ensure that we keep very close tags in particular on those offenders who we not only suspect but who are also otherwise assessed as presenting a reasonably high risk in management in the community. Again, 50 per cent is not indicative of any issue that the department has control over.

It is certainly concerned that offenders who are under supervision of the department continue to consume drugs in the community. Our obligation is to find that out, to bring it to the attention of the courts, so go back if somebody is on a probation order and breach them on that order, make the information available to the Parole Board, so they can decide then if they want to invoke an order and what they otherwise want to do with the offender. It is very important not to misinterpret these statistics, which are freely available and they are reported in our annual report; they are statistically valid randomised testing regime. No jurisdiction has that, so these statistics

could be as high as 80 per cent if we only would focus on those that we clearly know are under the influence.

6778 The Hon. D.W. RIDGWAY: Who does the testing? Is that done by your officers or is that outsourced to a private provider?

Mr SEVERIN: It is done by our staff. We have in community corrections specially trained teams that attend community corrections offices on a randomised but regular basis so that there is no predictability. There is a very good system in place of those teams working with our community corrections officer to ensure that offenders don't have any suspicion that they will be tested and hence may choose not to turn up for their appointment.

In the prisons, again, the staff undertake the tests. They are tests that are done in accordance with the requirements that apply to those, so they are certain regimes. You have to have clear vision of the person providing the sample. We have specially modified rooms for that to happen in our community corrections offices and in our centres. Obviously the staff who undertake these tests receive relevant training to ensure that any of these standards are not tampered with or are obviously provided, particularly those that require confirmation testing when it comes to having legal consequences as a result of it being a positive test.

6779 The Hon. D.W. RIDGWAY: But the analytical work is done by a private—

Mr SEVERIN: A laboratory. We are using some test cups. They are more and more in use because they give you an instant result and they are cups that the quality is assured through the manufacturing of the product. However, our confirmation tests are all done by an engaged laboratory; it's a requirement under the legislation for prisoners that those tests have to be analysed by an authorised informant.

6780 The Hon. CARMEL ZOLLO: For the record, as a member of this committee, I am certainly pleased that we are able to ramp up drug testing programs like that. I certainly saw evidence of that when I was minister at the time, so I am pleased to see that moving on. During my time as the minister, corrections re-badged one of our community corrections programs. Repay, I think we called it.

6781 The Hon. S.G. WADE: Repay SA.

6782 The Hon. CARMEL ZOLLO: Repay SA, thank you—to assist in the prevention of graffiti in the first place. I was looking at the 2010-11 budget and the whole justice budget, and I noticed that we have increased the funding for some of those anti-graffiti projects, in particular working with local councils, and I was wondering if you can report to the committee on what progress we have made or how they have turned out?

Mr MAGUIRE: Thank you for the question. Yes, there was some significant investment in Repay SA and I have some information that I can give to the committee. Each year the Attorney-General's Department provides approximately \$600,000 in funding to community-based organisations and local councils through its Crime Prevention and Community Safety Grants Program. As part of the safer streets community safety policy platform at the last election, the government committed to provide dedicated funding to the community crime prevention grants to target specifically graffiti and extend the detag program.

An additional \$100,000 in grant funding was specifically designated to graffiti projects through crime prevention grants in 2010-11, and this increased the total of our funding from \$600,000 to \$700,000. Recipients of the 2011 Crime Prevention and Community Safety Grants were announced in May of this year and 20 projects were funded, including 16 in a general crime prevention category and four specific graffiti projects, and I would like to tell you about those four.

The four graffiti projects are: Keep South Australia Beautiful Inc. Graffiti Prevention Awareness Event and Clean Up Action Day, \$50,000. The graffiti awareness event will be held over two days. Schools are invited to attend education sessions on graffiti vandalism. The Clean Up Action Day will involve community and council volunteers coming together on a designated date to clean up graffiti in the local area.

J. MAGUIRE  
A. SWANSON  
P. SEVERIN  
D. PLACE

The second was the District Council of Yankalilla's Young Engagement and Community Art. That project had \$18,700 in funding. The project will target young people at risk of engaging in graffiti vandalism and will include a strong education deterrent focus. It also has a community art and respect component, with two public murals to be completed at sites that have historically been burdened with graffiti vandalism.

The third is the Town of Gawler's Gawler Graffiti Education and Prevention Project, \$25,000. This multifaceted project will involve a three-way partnership between local government, South Australia Police and local schools. The project aims to provide offenders and potential offenders with increased skills to address deficiencies to improve awareness of the impact of graffiti crime and to provide an opportunity to provide art in public places. I also understand that some of that funding that was announced went to the Department of Correctional Services (Peter's area) to continue the good work of Repay SA.

Mr SEVERIN: Yes, we received funding as part of this package. I haven't got the exact figure in front of me, but certainly with a direct mandate to increase our community service activities. So, to give you a few details: in 2008-09, we worked a total of 133,200 hours. That increased to 139,000 hours in 2009-10, and in 2010-11 we completed 142,000 hours. So, we've certainly ramped up this program.

We are working very closely with local government, in particular in relation to graffiti removal, but we also have some major responsibility to clean up the major transport corridors for the department of transport and bus shelters along the O-Bahn and transport routes. So it is an area where the community groups that normally engage in graffiti removal have not so much of a focus: they are more concerned about their neighbourhoods. This is an area where we can very ideally come in and assist with those ongoing graffiti removals along the Southern Expressway and the bus lane.

6783 The CHAIRPERSON: We are running out of time and I want to put some questions on notice, but before that can I clarify this: in relation to Mr Nick Alexandrides' position, is it correct that he is legally entitled to return to the DPP's office but at a level much lower than MLS1½, that is, the entitlement to go on leave is to return to his substantive position within the department, which clearly many years ago wasn't MLS1½? So, is that the case, and, if so, what was his substantive position to which he was legally entitled?

Mr MAGUIRE: His fallback position, if you like—when he left he was an LEC5, which is just under the MLS1 position

6784 The CHAIRPERSON: An LEC5, and that is like a senior level administrative position, is it?

Mr MAGUIRE: It is the senior legal officer before you get to being an executive. It is just below the MSL1 level.

6785 The CHAIRPERSON: Were there any other ministerial contract staff like Mr Alexandrides who have been taken on board by the justice portfolio?

Mr MAGUIRE: I don't know about the portfolio. I can't speak for the portfolio. I can speak for the Attorney-General's Department. There is one other person and that is Lachlan Parker. He is a media expert, and we had a vacant position in our small media group and he will be there for—

6786 The CHAIRPERSON: So, what is his position?

Mr MAGUIRE: I forget—from memory, I can't be precise, but I think it is principal consultant, media relations, or whatever.

6787 The CHAIRPERSON: Are you saying this was an existing position?

Mr MAGUIRE: Yes, it is an existing position.

6788 The CHAIRPERSON: Who held the position before Mr Parker?

Mr MAGUIRE: A woman now who is the acting manager for the group, and her name is Danielle Elston.

6789 The CHAIRPERSON: Business Partner and Team Leader, Media and Communications?

Mr MAGUIRE: Yes.

6790 The CHAIRPERSON: She is the head of that unit?

Mr MAGUIRE: Yes, she is now acting as the head of the communications group, the whole group, and Danielle's position is therefore vacant and Mr Parker will be—

6791 The CHAIRPERSON: Mr Parker is at a level lower in the hierarchy than Ms Elston's position?

Mr MAGUIRE: Yes.

6792 The CHAIRPERSON: And he is a senior consultant. So what is the TEC for that position?

Mr MAGUIRE: There is no TEC. It is just a contracted position that we are coming in at.

6793 The CHAIRPERSON: So what is the contract position value?

Mr MAGUIRE: I think the position is what they call a MAS position, an ASO8 with a leadership component to it, and we are negotiating an allowance on top of that to basically cover his expertise that he brings to the organisation. That will be a small allowance that we haven't signed off on yet.

6794 The CHAIRPERSON: So what is the total contract value? You haven't signed off on it yet?

Mr MAGUIRE: We haven't signed off on it but it is a MAS3 or thereabouts.

6795 The CHAIRPERSON: So he has agreed to the position without knowing the final contract?

Mr MAGUIRE: He has agreed to come over to the position, yes. For a six-month period he will be there and we will be finalising the contract shortly.

6796 The CHAIRPERSON: Can you take on notice as to what it is?

Mr MAGUIRE: Yes.

6797 The CHAIRPERSON: And that is just a short-term contract for six months?

Mr MAGUIRE: Yes.

6798 The CHAIRPERSON: I assume the total contract would be less than the Business Partner and Team Leader, Media and Communications position?

Mr MAGUIRE: The position will be less than the person who is leaving the organisation, yes.

6799 The CHAIRPERSON: If you could take on notice, then, when Ms Elston won the position, was that position advertised and, if it wasn't, why wasn't it? What is the total employment cost of that particular position? Did the person that Ms Elston replace retire or resign, or was he or she offered a targeted separation package? In relation to the head of the human resources department, I understand there was a new person appointed there, is that correct, Christine Locher?

Mr MAGUIRE: Yes, she has been acting in that role. We have called the position to appoint full-time.

6800 The CHAIRPERSON: Okay, so if you could indicate the nature of the short-term contract, I assume, position with Ms Locher, the duration of that, and what the terms of

engagement were with that, and whether it was advertised or not. She was an outside consultant, wasn't she, providing advice to the department through her company?

Mr MAGUIRE: Yes.

6801 The CHAIRPERSON: So, what was the value of the consultancy services she provided to the department, when was she appointed to this acting position, and what are the arrangements in relation to the filling of that position? Can you also indicate who previously held the position in of head of HR (or the position that Ms Locher is currently temporarily holding) and whether he or she retired, resigned or took a targeted separation package?

Can I also ask, in relation to the appointment of Mr Paul White, whether there was a called position, whether there was an application process for that, or was he appointed without an application process? If he was appointed without an application process, can you indicate to the committee the reasons why there was no application process? Can I also ask you: is it correct that Geoff Baynes has left the department, and was he offered a targeted separation package?

Mr MAGUIRE: Is that on notice?

6802 The CHAIRPERSON: Have you got an answer to that—was Mr Baynes given a targeted separation package?

Mr MAGUIRE: He was given a package, yes.

6803 The CHAIRPERSON: So if you could take on notice as to the extent of the payout in that package, and why Mr Baynes got a package. If you could explain which position disappeared, and who has replaced Mr Baynes in that particular position, and the justification for Mr Baynes qualifying for a targeted separation package.

Can you also take on notice the 2010-11 total expenditure on the Canberra-based consultants Tempo Strategies, as to how much was spent on Tempo Strategies for 2010-11, and what detailed work they undertook. Also, can you indicate what was the cost of the facilitation session conducted with Tempo at Mount Lofty for two to three days, including training, what the total cost of that particular session was?

Can you also take on notice: money was provided to the department for Monsignor Cappo's report on the Gang of 49; did the department have to return any money to Treasury or transfer any money to the Department of the Premier and Cabinet? And did the Auditor-General write to you, Mr Maguire, expressing any concerns or raising any questions about the acquittal of the money that had been provided to you by cabinet in terms of how it was spent? In particular, was any question raised as to whether the money had actually been spent for the purposes for which it had been given for your department, or were there any questions as whether you had expended some of those monies outside of the terms of the cabinet approvals that were given to you?

Can you also take on notice the standard questions that were put on in relation to the minister's office? Particularly now with the new arrangements I guess there will be a new allocation from Treasury as to which particular ministers you, as departments, partly fund by way of staff and additional costs; if you could update the committee on that.

If you could also update the committee of the carryovers from 2010-11 into 2011-12 financial year; those that you applied for and those that are either approved or not approved, which was asked before. Also, for the month of June 2011, can you indicated for each of the agencies the extent of capital works expenditure, and on what particular capital works projects in the month of June, and what percentage of the total capital works budget for the 2010-11 financial year that that constituted.

Finally, in relation to Correctional Services—I did not get a chance to get into this issue, but there is an ongoing, long dispute with WorkCover, Mr Severin, in relation to—well, it has involved peer review, it has involved a letter from you to the WorkCover Ombudsman complaining about WorkCover. It has a long and tawdry history which we do not have time to explore today, but

J. MAGUIRE  
A. SWANSON  
P. SEVERIN  
D. PLACE

I would be interested to know, for this year (2011 calendar year), if you can update what has progressed, and whether the issue has ultimately been resolved.

If it has been ultimately resolved, how was that resolved through the input of the WorkCover Ombudsman, who I think declined to be involved, or through various other processes that were made available to you? Do any other members have questions they want to place on notice? If not, with that can I thank you, gentlemen, for your attendance here. We appreciate your attendance, and the committee secretary will forward the *Hansard* transcript to you and will liaise with you in relation to the provision of answers to the questions on notice. So, thank you for your attendance today.

THE WITNESSES WITHDREW

0 5 DEC 2011



**Government of South Australia**  
Department for Correctional Services

Our Ref CEN/08/2242

2 December 2011

Mr Guy Dickson  
Secretary  
Budget and Finance Committee  
Parliament House  
North Terrace  
ADELAIDE SA 5000

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Dear Mr Dickson

**RE: QUESTIONS ON NOTICE – DCS BUDGET AND FINANCE COMMITTEE 31  
OCTOBER 2011**

Please find attached the responses for DCS to the questions taken on notice from the  
Committee Meeting on 31 October 2011.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Peter Severin', written over a light blue grid background.

**PETER SEVERIN**  
**CHIEF EXECUTIVE**  
[peter.severin@sa.gov.au](mailto:peter.severin@sa.gov.au)

2011 Budget and Finance Committee - Questions on Notice

Department for Correctional Services

**1. Carryovers from 2010-11 into the 2011-12 financial year (approved and not approved).**

Carryovers approved as part of the 2010-11 budget process were:

---

	2011-12	Out-years
	\$m	\$m
<b>Prison Security Systems Stage 3 (investing)</b> -Minor slippage in this four year program.	0.457	
<b>Additional Prisoner Accommodation (investing)</b>		1.900
<b>Northfield Infrastructure Upgrade (Investing)</b>		3.800
<b>Central Office Relocation (Investing)</b>	0.100	
<b>Total</b>	<b>0.557</b>	<b>5.700</b>

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All carryovers requested were approved.

Carryovers as part of the 2010-11 year end process were submitted to Treasury and recently approved are outlined below:

	<b>2011-12 \$m</b>	<b>Out-years \$m</b>
<b>Central Office Relocation (Investing Pull Forward)</b>	(0.017)	
<b>Additional Prisoner Accommodation (Investing Pull Forward)</b>	(0.018)	
<b>Prison Security Systems - Stage 3 (Investing)</b>	0.425	
<b>Northfield Infrastructure Upgrade (Investing)</b>		2.664
<b>Remote Areas Program (Operating)</b>	0.115	
<b>Salaries and Wages Underpayments (Operating)</b>	0.422	
<b>Annual Programs (Investing)</b>	0.031	
<b>Digital TV solution for prisoners (Operating)</b>	0.399	
<b>Prisoner Amenities (Operating)</b>	0.237	
	1.594	2.664

All Carryovers submitted were approved.

**2. June 2011 capital works expenditure by project as a percentage of the total capital works expenditure.**

<b>Capital Expenditure \$M</b>	Actual 2010-11	June 2011
<b>Annual Provisions</b>	3.811	1.407
<b>Total Annual Provisions</b>	<b>3.811</b>	<b>1.407</b>
<b>Major Projects</b>		
Prison Kitchen Upgrades	0.036	0.012
Port Pirie and Noarlunga Community Corrections Centres	1.883	0.001
Gawler Community Corrections Centres Fit Out	0.601	0.134
Increased Security - Port Augusta Prison	0.112	0.001
Prison Security Systems -Stage 3	0.477	0.079
Additional Prisoner Accommodation	6.877	1.991
Central office Relocation	0.305	0.003
Northfield Infrastructure Upgrade	2.856	1.581
<b>Total Major Projects</b>	<b>13.147</b>	<b>3.802</b>
<b>Total Capital Investing</b>	<b>16.958</b>	<b>5.209</b>
<b>June 2011 expenditure as % of 2010-11 outcome</b>		<b>30.72%</b>

**3. WorkCover update.**

The department's Self Insured Evaluation was conducted during July 2010. In November 2010, DCS sought WorkCover to undertake a Peer Review to reconsider the outstanding 14 Non-Conformances (NC's). The department was advised in December 2010, following the Peer Review, 9 NC's were found not substantiated and, that 5 NC's were to remain.

The department had written to the WorkCover Ombudsman in October 2010 and he confirmed in his letter dated November 2010 the mechanisms for the department to address its concerns, which included a Peer Review and the provisions outlined in the South Australian Public Sector Code of Practice for Crown Self Insured Employees Clause 4.12. Subsequently the Peer Review took place.

In accordance with the South Australian Public Sector Code of Practice for Crown Self Insured Employees Clause 4.12, the department then formally requested Public Sector Workforce Relations (PSWR) to facilitate a dispute resolution process in February 2011 in relation to the remaining NC's.

PSWR advised the department, following discussion with WorkCover that the issue should be resolved directly between the parties.

Subsequently, PSWR advised that the Department CE should facilitate a meeting with the WorkCover Chief Executive and a meeting between CE's occurred in May 2011. Correspondence between the department and WorkCover confirmed the outcome of the discussion during June and July 2011. The department was formally advised by WorkCover on 26 July 2011 of the final outcome of the Evaluation.

The final outcome was that DCS accepted the 5 NC's, a Level 1B rating with two year notional renewal period. WorkCover undertook to assist the department to close out the NC's. There are no outstanding issues.

**4. Ministerial Resources - Departmental expenses for staff and operating costs for 2010-11.**

The Department for Correctional Services provides one staff member (Ministerial Liaison Officer) to the office of the Minister for Correctional Services. The costs for the staff member are met by the department, at an annual cost of \$96,103 in 2010-11 (salary of \$79,424 plus on-costs including superannuation of \$16,679).

**5. How many of our prisoners are accommodated in a room with just one occupant, a room with two occupants, a room with three occupants, a room with four occupants, or a room with more than four occupants.**

	Cells with 1 bed	Cells with 2 beds	Cells with 3 beds	Cells with 4 beds	Cells with more than 4 beds	TOTAL
<b>No of Beds</b>	<b>844</b>	<b>1150</b>	<b>102</b>	<b>12</b>	<b>19</b>	<b>2127</b>

Carryovers as part of the 2010-11 year end process were submitted to Treasury and recently approved are outlined below:

	<b>2011-12 \$m</b>	<b>Out-years \$m</b>
<b>Central Office Relocation (Investing Pull Forward)</b>	(0.017)	
<b>Additional Prisoner Accommodation (Investing Pull Forward)</b>	(0.018)	
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<b>Prisoner Amenities (Operating)</b>	0.237	
	<b>1.594</b>	<b>2.664</b>

All Carryovers submitted were approved.

13 DEC 2011



Government of South Australia

South Australian Fire and  
Emergency Services Commission

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Mr Guy Dickson  
Secretary  
Budget and Finance Committee  
Parliament House  
North Terrace  
Adelaide SA 5000

Dear Mr Dickson

**SUBJECT: BUDGET AND FINANCE COMMITTEE QUESTION – SURF CENTRAL PROJECT**

**On 31/10/2011 the Hon. Rob Lucas MLC (at 6774) asked the following question:**

The CHAIRPERSON: "The timeline for resolving that issue?"

**Please see my response below:**

Following finalisation of tender processes and appointment of a contractor, Surf Lifesaving SA (SLSSA) and the SA Fire and Emergency Services Commission (SAFECOM) are now in a position to understand the quantum and make up of the costs to complete the Surf Central project. It is expected that SLSSA and SAFECOM will engage on the matter shortly with a view to discussing a potential additional funding contribution from the State to complete this project.

A handwritten signature in black ink, appearing to read 'D Place'.

David Place  
Chief Executive  
SAFECOM

2/12/2011

30 JAN 2012



**Government of South Australia**  
Attorney-General's Department

Reference  
11/0349TRAV1

January 2012

Mr Guy Dickson  
Secretary to the Committee  
Legislative Council of South Australia  
Parliament House  
ADELAIDE SA 5000

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Dear Mr Dickson

**Re Budget and Finance Committee - Response to Question on Notice and Clarification of transcript on 1 November 2010**

Please find attached a response to the questions taken on notice at the Budget and Finance Committee session on 31 October 2011.

The responses enclosed relate to the Attorney-General's Department. I understand the Department for Correctional Services and the SA Fire and Emergency Services Commission will respond separately.

It has also been brought to my attention that certain evidence that I provided at the 1 November 2010 session should be clarified.

This relates to the issue of the Crown Solicitor's Office recovering costs. Whilst the evidence provided was in the context of the matter being discussed at the time (the Lennon Case), in order to avoid any confusion, I provide the following clarification:

- Page 306, paragraphs 2266 and 2267 - A court may make an order for payment of legal costs where the State of South Australia or a public sector agency is represented by the Crown Solicitor's Office in legal proceedings. However, in the Lennon case, the State was represented by private lawyers and not by the Crown Solicitor's Office. Thus, there was no order for payment of legal costs made in respect of work performed by staff of the Crown Solicitor's Office in an in-house counsel role. The position is no different to that where a private business is involved in litigation.

Yours sincerely.

A handwritten signature in blue ink, appearing to read 'J Maguire'.

**Jerome Maguire**  
Chief Executive  
Attorney-General's Department and  
Department of Justice

18/1/12

Budget and Finance Committee - 31 October 2011

Questions on Notice

Attorney-General's Department (AGD)

1. **What are the aggregate (existing and new) savings targets for the Attorney-General's Department for 2011-12 to 2014-15? [page 916]**

Agency	2011-12 \$'000	2012-13 \$'000	2013-14 \$'000	2014-15 \$'000
Attorney-General's Department	12 941	21 888	24 933	25 429

Note 1: The figures in this table are as at 31 October 2011.

Note 2: The figures in this table do not include revenue measures and have not taken into account Machinery of Government changes.

The Department for Correctional Services and SA Fire and Emergency Services Commission will be providing separate advice in relation to their savings targets.

2. **In relation to the 27 invoices for printer cartridges, can you advise:**

- (a) **which sections they relate to and how many of them specifically relate to the Office of the Liquor and Gambling Commissioner? [page 918]**

I can advise that in relation to the 27 transactions, 24 were invoices and 3 were credit notes.

These transactions relate to the Office for the Liquor and Gambling Commissioner, Office for Consumer and Business Affairs, Multicultural SA and Business and Financial Services.

12 invoices and 1 credit note relate to the Office for the Liquor and Gambling Commissioner.

- (b) **What was the earliest date of these invoices? [page 923]**

15 June 2000.

3. **If a public servant purchased a large number of printer cartridges at potentially inflated prices from a company other than the eight under review, will AGD's current search identify these or is it limited strictly just to the eight listed companies? [page 921]**

The Department's review will begin with the vendors already identified and will broaden if any evidence or other vendors are uncovered or brought to the Department's attention.

4. **Where a public servant pays inflated prices and takes personal benefits, is this a breach of the Treasurer's Instructions? [page 922]**

Specific advice on the interpretation of Treasurer's Instructions should be referred to the Department of Treasury and Finance.

5. **In relation to alerts or mechanisms in the e-procurement software to alert managers that things have strayed from the ordinary, what reports does your department request? [page 923]**

AGD staff has access to the e-procurement Invoice Processing Monitor which is a reporting and viewing tool for all invoices and purchase orders across AGD. On-Line Reports are generated on specific purchase orders by supplier, purchase of specific goods or payment of invoices to specific vendors.

E-procurement enhances the capability of looking for fraudulent activity as all purchase orders and invoices are readily available for viewing, together with all audit trails of the transaction.

6. **In relation to the Finks case, what is the status of the legal proceedings and what are the total costs to date? [page 924]**

South Australia's appeal was unsuccessful. All costs to date have been met within existing AGD resources.

7. **In relation to the court challenge for water entitlements, has that matter now concluded and if so, what were the final costs incurred by AGD? [page 925]**

The court challenge for water entitlements has concluded.

All Crown costs have been passed onto other agencies such as the Department for Premier and Cabinet.

8. **In relation to the Colin James defamation case, what is the latest estimate of costs and has the matter been settled? [page 925]**

The matter has been settled and the costs (including settlement) were around \$178,000.

9. **In relation to the defamation proceedings against Minister Rankine, what are the costs to date? [page 925]**

Costs to 8 December 2011 are \$28,000.

10. **What portion of the total refit costs of 45 Pirie Street relate to level 10? [page 927]**

The refurbishment project at 45 Pirie Street was tendered as a complete package, covering fitout works across numerous floors. As a lump sum tender price was provided, the costs relating solely to Level 10 cannot be isolated.

11. (a) **In relation to the new furniture for the Chief Executive's office, was the "defected" furniture used elsewhere within the refit or was it taken back by the supplier? [page 928]**

I was of the understanding that the original furniture was returned back to the supplier to be refunded due to the faults found. However, I am now advised that the original furniture was returned to the supplier, repaired and is now back with the Department. The furniture will now be reused elsewhere in the Department.

- (b) **Did the supplier that provided the “defected” furniture also supply the current furniture in the Chief Executive’s office? [page 928]**

No, an alternative supplier was sought through the standard procurement process.

- (c) **Was any additional cost incurred by replacing the original set of new furniture in the Chief Executive’s office? [page 928]**

My advice is that the costs between the old and new furniture are not comparable as modifications and additional pieces of furniture were included in the second purchase.

12. **What is the estimated cost of implementing the Justice Video Conferencing system and what are the cost savings to date? [page 930]**

The costs as at 8 July 2011 are around \$2.5 million.

My advice is that there are no savings to date for the Justice Video Conferencing system.

It should be noted that the primary reason for the Justice Video Conferencing project was to enable the remote hearing and recording of vulnerable witnesses.

Other key benefits include reducing prisoner transport between correctional institutions and courts and the ability to hear evidence from expert/remote witnesses to allow testimony from outside the court.

13. **How many people currently work in the Crown Advocate Unit and what are their classifications? [page 932]**

The Crown Counsel Section of the Crown Solicitor’s Office comprises the following positions:

- 1 x Crown Advocate (SAES2)
- 5 x Senior Solicitor (3 x LEC5 and 2 x LEC4)
- 1 x Solicitor (LEC3)
- 1 x Office Administrator (ASO3).

14. **How many lawyers were employed by the Office of the Director of Public Prosecutions in 2010-11 and how many are projected to be employed in 2011-12? [page 934]**

The ODPP has advised that around 85 FTE lawyers were employed as at 30 June 2011 (excluding the DPP) and 90 FTE are projected for 2011-12.

15. What were the actual results for 2010-11 for the Victims of Crime Fund revenue components and what are the variations for the budget in the out years? [page 934]

Revenue actuals for 2010-11 and forward estimates for the Victims of Crime Fund are as follows:

	2010-11 Actuals \$'000	2011-12 Budget \$'000	2012-13 Budget \$'000	2013-14 Budget \$'000	2014-15 Budget \$'000
VOC levy	28 660	42 756	44 018	44 830	46 397
Recoveries/ Confiscation of profits	2 924	5 931	5 171	2 952	3 045
Interest	2 783	1 206	1 206	1 206	1 206
Appropriation	9 567	9 793	10 922	7 824	8 020
<b>Total</b>	<b>43 934</b>	<b>59 686</b>	<b>61 317</b>	<b>56 812</b>	<b>58 668</b>

16. What were the actual results for 2010-11 for each of the expenditure elements that the Victims of Crime Fund funds? [page 935]

The actual expenditure in 2010-11 is as follows:

	2010-11 Actuals \$'000
Employee entitlements	932
Supplies & services	20 171
Grants & subsidies	1 696
Intra-Government Transfers	866
<b>Total</b>	<b>23 665</b>

17. What is the level of the Victims of Crime levy collections expected in the 2011-12 financial year? [page 935]

The budget is \$42.756 million.

18. (a) How many applications to the Victims of Crime Fund were received during the 2010-11 financial year? [page 935]

1,887.

- (b) How many applications to the Victims of Crime Fund were approved during the 2010-11 financial year? [page 935]

1,219.

(c) How many payments were there in each of the \$5,000 bands? [page 935]

	2010-11
(a) Applications received	1 887
(b) Applications approved	1 219
(c) Payments made	
\$0 - \$5 000	422
\$5 001 - \$10 000	467
\$10 001 - \$15 000	111
\$15 001 - \$20 000	55
\$20 001 - \$25 000	27
\$25 001 - \$30 000	13
\$30 001 - \$35 000	18
\$35 001 - \$40 000	10
\$40 001 - \$45 000	10
\$45 001 - \$50 000	86
	1 219

19. (a) How many applications has AGD received from victims from abuse in state care under the CISC scheme? [page 935]

112 applications, as at 24 October 2011.

(b) How many offers have been made? [page 935]

57 offers, as at 24 October 2011.

(c) What was the average value of offers made? [page 935]

\$14,429, as at 24 October 2011.

(d) How many offers have been accepted? [page 935]

49 offers, as at 24 October 2011.

(e) What was the average value of offers accepted? [page 935]

\$14,840, as at 24 October 2011.

(f) On average, how long have applicants who are yet to receive an offer been waiting since the application was lodged? [page 935]

5 months (158 days).

20. What is the FTE number of lawyers, law clerks and other staff involved in assessing victims of crime applications? [page 935]

There are 6 FTEs assessing victims of crime applications. In addition, 2.3 FTEs provide legal advice in relation to issues of liability and quantum.

**21. What was the cost of processing victims of crime applications in the 2010-11 financial year? [page 935]**

Based on the 8.3 FTEs (refer to 20 above) to assess and advise on victims of crime applications, the cost of resources for 2010-11 is around \$772,000.

**22. What is the total value of Lachlan Parker's employment contract? [page 943]**

The value of the employment contract is around \$120,000 per annum plus superannuation for the period 7 November 2011 to 4 May 2012.

**23. In relation to Danielle Elston, can you indicate:**

**(a) when she won her current position? [page 943]**

Ms Elston was temporarily assigned on an acting basis into the role of Manager, Strategic Communications Unit on 16 September 2011.

**(b) whether the position was advertised, and if it wasn't, why wasn't it? [page 943]**

The role of Manager, Strategic Communications Unit (MAS3) was advertised.

**(c) the total employment cost of that particular position? [page 943]**

The salary for the role at the MAS3 (non-executive) level is around \$101,000 per annum plus superannuation.

**(d) whether the person that Ms Elston replaced retired or resigned or whether he/she was offered a TVSP? [page 943]**

Following an organisational review the executive employment of the previous incumbent was terminated and he received a termination payment in lieu of notice pursuant to the executive contract and *Public Sector Act, 2009*.

Accordingly, there was no offer of or agreement for a TVSP.

**24. In relation to Christine Locher can you indicate:**

**(a) when she was appointed to her current acting position? [page 944]**

Ms Locher was engaged on 1 August 2011 on a contract for services.

**(b) the nature and duration of her short-term contract? [page 944]**

The details of the arrangement are commercial in confidence.

**(c) the terms of the engagement? [page 944]**

The details of the arrangement are commercial in confidence.

**(d) whether the position was advertised or not? [page 944]**

There was no advertisement as Ms Locher was engaged on a contract for services - refer to 24(a).

- (e) **the value of the consultancy services she provided to the department? [page 944]**

Ms Locher has assisted greatly in providing high level strategic HR leadership in the transition to a new leader including assisting in the recruitment of that person.

- (f) **the arrangements in relation to filling of this position? [page 944]**

The role of Director, People Strategy (formerly Human Resources) was advertised and Ms Christine Groemer was selected following a thorough selection process and commenced on 12 December 2011.

- (g) **who previously held this position and did he/she retire, resign or take a TVSP? [page 944]**

Ms Frankie Anderson was the previous incumbent of the role and is now in a different role in the Office of the Public Trustee.

Accordingly, Ms Anderson was not offered and did not receive a TVSP.

**25. In relation to the appointment of Paul White can you indicate:**

- (a) **whether there was an application process or was he appointed without an application process? [page 944]**

The role of Deputy Chief Executive for Consumer and Business Services was advertised in the Notice of Vacancies and external press on 24 September 2010. Mr White was appointed following a thorough selection process and commenced in the role on 13 October 2010.

- (b) **If there was no application process, can you indicate to the committee the reasons why there was no application process? [page 944]**

Not applicable - refer to 25(a).

**26. In relation to Geoff Baynes can you indicate:**

- (a) **the extent of his TVSP payout and why a package was provided? [page 944]**

Following an organisational review, Mr Baynes' executive contract was terminated and he received a termination payment and payment in lieu of notice, in accordance with the contract and the *Public Sector Act, 2009*.

- (b) **what position disappeared and who has replaced Mr Baynes in that particular position? [page 944]**

The role of Executive Director, Building Communities and Projects was abolished. Accordingly, no one replaced Mr Baynes.

- (c) **what is the justification for Mr Baynes qualifying for a TVSP? [page 944]**

Mr. Baynes was not offered and did not receive a TVSP - refer 26(a).

27. (a) **What is the 2010-11 total expenditure on Tempo Strategies consultants and what detailed work did they undertake? [page 944]**

Total expenditure on Tempo Strategies in 2010-11 was **\$56,300.63**.

Work included:

- Advice and assistance in the organisation change project
- Executive Coaching
- Workshop and travel. "Transition planning workshop"
- Guiding Coalition Workshop 7 December 2010
- Interview panel
- Workshop and travel. "Designing arrangements for effective governance"

- (b) **What was the cost of the facilitation session conducted with Tempo at Mount Lofty for 2-3 days, including training? [page 944]**

It is estimated that the cost of delivering departmental executive leadership training at Mount Lofty House was approximately \$122,000. This equates to around \$1,530 per executive participant for 4 days or \$382 per executive participant per day. Due to the economies of scale that were achieved, these costs are comparable or less expensive than a standard market rate for an experienced consultancy/training provider.

This major leadership training program provided AGD Executives with a significant development exercise in accordance with the requirements of their SAES contracts.

28. (a) **In relation to Monsignor Cappelletti's report on the Gang of 49, did AGD have to return any money to DTF or transfer money to DPC? [page 944]**

Responsibility for the management of the "To Break the Cycle Report" transferred from the AGD to the Social Inclusion Unit in the Department of the Premier and Cabinet and the Department for Families and Communities during 2010-11. Around \$600,000 per annum in funding was transferred to the Department for Premier and Cabinet as part of this change.

- (b) **Did the Auditor-General write to the Chief Executive expressing any concerns or raising any questions about the acquittal of the money that had been provided to AGD by Cabinet in terms of how it was spent? In particular, was any question raised as to whether money had actually been spent for the purposes for which it had been given to AGD or were there any questions as to whether it had been expended outside of the terms of Cabinet approvals? [page 944]**

No issues were raised by the Auditor-General.

29. What is the amount of money provided by AGD to the Minister's offices within AGD? How many FTE's does AGD pay for in each Ministerial office?

**Attorney-General's Office**

	<b>2011-12 Budget \$000</b>	<b>2011-12 FTEs Funded</b>
DTF Funding	1,632	10.6
Agency funding allocated	554	6.8
<b>Total</b>	<b>2,186</b>	<b>17.4</b>

**Minister Gago's Office**

	<b>2011-12 Budget \$000</b>	<b>2011-12 FTEs Funded</b>
DTF Funding	1,730	12.0
Agency funding allocated	59	1.0
<b>Total</b>	<b>1,789</b>	<b>13.0</b>

**Minister Foley's Office**

	<b>2011-12 Budget \$000</b>	<b>2011-12 FTEs Funded</b>
DTF Funding	1,621	9.7
Agency funding allocated	403	4.0
<b>Total</b>	<b>2,024</b>	<b>13.7</b>

**Minister Kenyon's Office**

<b>Ministerial Office Resources</b>	<b>2011-12 Budget \$000</b>	<b>2011-12 FTEs Funded</b>
DTF Funding	1,143	7.9
Agency funding allocated	592	6.4
<b>Total</b>	<b>1,735</b>	<b>14.3</b>

30. What are the carryovers from 2010-11 into the 2011-12 financial year (approved and not approved)? [page 944]

<b>Attorney-General's Department</b>	
<b>Approved</b>	<b>\$'000</b>
- Expanding DNA Services	686
- Early Intervention Pilot Program	55
- Police Drug Diversion Initiative	15
- Port Augusta Sports Hub - grant	5,000
- National CARS project	202
- Tenancies Online Project	219
- Social Inclusion for Youth at Risk	29
- Legal Services Commission of SA	110
- Council of Australian Government reforms	956
- Supporting Private Guardians initiative	16

<b>Not Approved</b>	
- Community Recreation and Sport Facilities Program	758
- Tri-Jurisdictional/Cross Border Issues	40
- Physical Activity/Be Active media campaign	200
<b>Attorney-General's Department Administered Items</b>	
<b>Approved</b>	
- SA Government Radio Network	366
- VOC Fund	4,208
- Native Title Claims	4,282
- Bail Application and Information Systems	21
- Video Conferencing Equipment	791
- SA Computer Aided Dispatch System	3,382
- Southern Community Justice Court	140
- Reimbursement of legal costs and expenses incurred	66
- State Expensive Criminal cases	1,088
<b>Not Approved</b>	
- VOC fund - Establishment Commissioner for Victims' Rights office	60

31. **What is the amount of capital works expenditure in the Attorney-General's Department in the month of June 2011 and what were those particular expenditures made in the month of June 2011 What percentage of the total capital works budget for 2010-11 financial year did that constitute? [page 944]**

The amount of capital works expenditure in the month of June 2011 was estimated at \$48,000 for annual programs.

This expenditure accounted for 1% of the total capital expenditure for the 2010-11 year.