LEGISLATIVE COUNCIL

Thursday 21 September 2006

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.18 p.m. and read prayers.

TRAMLINE

A petition signed by 230 residents of South Australia, concerning the proposal to construct a tramline from Victoria Square to North Terrace in Adelaide and praying that the council will do its utmost to convince the state government not to proceed to construct such a tramline and remove trees, flagpoles and median strips and create extreme congestion in Adelaide's major thoroughfare and also requesting the retention of existing bus routes in that vicinity, was presented by the Hon. J.S.L. Dawkins.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Police (Hon. P. Holloway)—

Art Gallery of South Australia—Report, 2005-2006

Listening and Surveillance Devices Act 1972—Report, 2006

Return pursuant to Section 74B of the Summary Offences Act 1953—Road Block Establishment Authorisations for the period 1 April 2006 to 30 June 2006.

QUESTION TIME

WATER LICENCE TRANSFER FEES

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about water licence transfer fees.

Leave granted.

The Hon. D.W. RIDGWAY: As members will know, I recently sold my property in the South-East.

The Hon. Sandra Kanck: No gladdies!

The Hon. D.W. RIDGWAY: No; no more gladdies I am afraid.

An honourable member: Who did you sell it to?

The Hon. D.W. RIDGWAY: I sold it to my brother, but that is irrelevant, so I will ignore the interjections. Some time ago I transferred a water licence to another adjoining block of land, when I was growing the same crop, using the same amount of water, but on a different title. I recall that I was charged about $250 for changing that water licence by just adding another title to it. I have recently been contacted by a constituent in my home area of Bordertown-Mundulla who said that he wants to do exactly the same thing.

The fee to change the licence now is some $519. This is a flat fee, I am advised by the department, applied to all changes to a water licence, including the one that this constituent wanted to make, which was just to add another section—about four or five letters or numbers—to the licence. It seems extremely unfair, given the financial crisis that rural South Australia has been going through with the drought and the season we are having, that these sort of fees should be imposed. My questions to the minister are:

1. When was the fee for changing a water licence increased?

2. Why was the fee increased?

3. What extra services is the government offering for this fee increase?

4. Will the minister consider reducing this fee in light of the fact that we are having a terrible season this year?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his questions. Indeed, the water fees are a very important part of our water management structure. As we know, water is an ever-increasing precious commodity on our planet, particularly in times of drought, such as we are experiencing at the moment.

The Hon. T.J. Stephens interjecting:

The Hon. G.E. GAGO: Just listen. So it is very important. Of course, many of the ways we managed our precious water resources in the past had very little cost recovery. People just expected these things to be provided to them without much thought being given to their real cost. A lot of work has been done to make sure that we manage our precious resources better now than we have done in the past. We do that through our natural resource management boards and, of course, we have restructured that area—an amazing feat of this government—and part of their responsibility is water management and, also, forming water allocation plans. Of course, water licensing fees are part of that whole management structure. In terms of the specific questions asked, I will have to take them on notice and bring back a response.

The Hon. D.W. RIDGWAY: In light of the very poor season (which was the question I did ask), will the minister consider reducing the prices, at least for this season?

The Hon. G.E. GAGO: I am very pleased to say that we have, in fact, given a great deal of thought to planning around our drought response. We are very mindful that our agricultural regions have, indeed, suffered and—

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: They do. We are very concerned about the way our spring rains are going. We know that a number of areas are still under pressure from previous drought problems and, of course, our spring rains have not been forthcoming, so we are deeply concerned about the impact that will have on them as well. A ministerial statement was put out by the Hon. Rory McEwen either yesterday or the day before outlining a whole of government drought response to this problem. We are looking at a number other initiatives. A task group has been established with representatives across government to respond to these issues, and an extensive range of responses will be developed and handed down once they are completed.

CORRECTIONAL SERVICES, PRISON FACILITIES

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking the Minister for Correctional Services a question about the government's budget announcement this morning regarding prison infrastructure.

Leave granted.

The Hon. J.M.A. LENSINK: As honourable members would be aware, the government announced this morning that it will revamp our prison infrastructure. The Treasurer, Kevin Foley, and Premier Mike Rann have been quoted in both the electronic and print media. Indeed, I note that the Premier has been quoted—it might well be a typo—as stating:

We shouldn't be having a maximum security gaol in the middle of Adelaide's suburbs and we're closing both these gaols, building new ones down at Monarto.

All that aside, I also have a statement from the Mayor of the Rural City of Murray Bridge, Mr Allan Arbon, who states:

I was a bit surprised with the announcement given that my understanding was that the government would brief council and undertake for a community consultation and engagement process well prior to any decision.

Indeed, I have information that indicates that the CEO of the department, Mr Peter Severin, advised the Rural City of Murray Bridge in June 2006 that, 'There are no plans for any site in SA at present, and any rumours are false.' My questions for the minister are:

1. Has there been a communication breakdown between the minister's office and cabinet and the CEO of Corrections, or was the CEO explicitly told not to tell the truth to the Rural City of Murray Bridge?

2. When does the government intend consulting the Rural City of Murray Bridge?

3. What other infrastructure is the government planning for the Rural City of Murray Bridge to support its plans?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): I am sure that all in the chamber join with me in welcoming this very significant piece of news—the most significant piece of prison infrastructure in South Australia for a quarter of a century. I think that I will take my own wise counsel and say that I will not be the first minister not to wait for the Treasurer to actually hand down his budget today; I think that that is happening around 3 o'clock in the other place. I do not think I will be answering questions before he hands down that budget. But, as I said, I am very pleased, and I am sure that the opposition and, indeed, everybody in this chamber will join with me in congratulating the Treasurer in the other place on announcing the most significant piece of prison infrastructure in this state for about a quarter of a century.

I can say to the honourable member who asked the question that there will be ample opportunity for her to ask questions about detail, and I will be happy to answer them. I had a conversation today with the Mayor of the Rural City of Murray Bridge, Mr Allan Arbon, and explained to him that, given the sensitivities of budget confidentiality, I was not able to have a chat with him earlier, but he is absolutely thrilled. He and his council, I am sure, really do welcome this very major piece of infrastructure.

The Hon. J.M.A. LENSINK: Sir, I have a supplementary question. If the minister determines that these allegations that the Rural City of Murray Bridge was effectively lied to by the government are true, will anyone be reprimanded?

The Hon. CARMEL ZOLLO: No-one was lied to. I think the honourable member mentioned a date in June. Cabinet had not made a decision at that time.

The Hon. T.J. STEPHENS: I have a further supplementary question. Will the minister assure us that the old Yatala gaol will be preserved as a tourist attraction?

The PRESIDENT: Order! That question hardly derives from the minister's response.

Members interjecting:

The PRESIDENT: Order! Room might be made in the new prisons for some of the noisy people in here.

NORTH-EASTERN SUBURBS, ANTISOCIAL BEHAVIOUR

The Hon. T.J. STEPHENS: Thank you for your protection, sir. I seek leave to make a brief explanation before asking the Minister for Police a question about antisocial behaviour in the north-eastern suburbs.

Leave granted.

The Hon. T.J. STEPHENS: It has been brought to my attention that the residents of Lumsden Avenue in Ridgehaven have been regularly subjected to antisocial behaviour, including speeding, burnouts and drifting by hoons, as well loud parties and drunken behaviour, over a two-year period.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.J. STEPHENS: I visited the street yesterday afternoon and I noticed that there was a reasonable amount of tyre rubber on the road but, apart from that, it was reasonably quiet. Police regularly patrol or are called to the street, but residents live in fear of retaliation. A Tea Tree Gully councillor has called on police to address the situation again, but the response from the Holden Hill police was that they have given it as much attention as they can. On behalf of the residents of Lumsden Avenue, my question to the minister is: when the police say that they have given the problem as much attention as they can, does that mean that the police minister and the police have given up on this issue?

The Hon. P. HOLLOWAY (Minister for Police): The local member for the area has contacted me regularly in relation to problems within his area. Fortunately, during its last term in office, this government introduced hoon driving legislation, which has meant that police now have the power to take cars from hoons and, indeed, with our election promise, we also have agreed to extend the period of retention of cars. Perhaps it would not be letting too much of the cat out of the bag to say that, in the budget later on this afternoon, it will be announced that part of the funding will be to extend the program in relation to dealing with hoon drivers in terms of wheel clamps.

This government is well aware of the problems that are created by antisocial behaviour, but these problems are inevitably difficult to police. Obviously, people will not behave in an antisocial way if they see a police car in the vicinity. To effectively police such behaviour requires the cooperation of the local community, and that is why we are reliant on it. A new scheme has been introduced (which was announced earlier this year), which enables people to report that type of behaviour to police so that, if people obtain registration plate numbers of the cars involved, the police are able to build up a profile and take action.

This government has been looking very closely at how we can do it. As a matter of fact, during my recent trip to the United Kingdom, one of the things I looked at was what are called ASBOs (antisocial behaviour orders), which are issued by the London Metropolitan Police. It has been a fairly effective way to deal with some of this type of antisocial behaviour—although, of course, in the United Kingdom, it is less motor vehicle based. The idea is that, if a person receives one of these orders (which are similar to a restraining order), once it can be proved and issued against people it provides the police with a stronger weapon in relation to dealing with that type of behaviour.

Clearly, the police do everything they can in relation to outlawing this type of behaviour. Once they know that this behaviour occurs in areas, their patrols will regularly visit

those areas and, if people report it, the police will attend to the area in question. Obviously, they rely upon the cooperation of the public in telling them when this behaviour is most likely to occur. But, as I said earlier, obviously offenders tend not to behave that way when they see the police cars coming. In relation to that particular area, I will get some information for the honourable member about what effort the police have made. In relation to hoon driving, I can say that the police are racking up an increasingly large number of hoon drivers who have been run off the road; I think it is now something in the order of 1 000 vehicles—

The Hon. R.D. Lawson interjecting:

The Hon. P. HOLLOWAY: About 1 000 vehicles have been impounded under these laws, and the police will continue to enforce them and endeavour to wipe out that and other antisocial behaviour. Obviously, the police will be dependent on the cooperation of the public in making that legislation work.

The Hon. NICK XENOPHON: I have a supplementary question. Will the government consider the resourcing of video surveillance equipment to detect hoon drivers, given the evidentiary problems the minister has indicated?

The Hon. P. HOLLOWAY: I suppose one could consider that. But, clearly, there are a number of legal issues, and I would have to refer those to my colleague the Attorney-General about how any evidence like that might stand up in court and the like. Certainly, that was one of the issues when I came back from the United Kingdom, where there is, of course, massive surveillance in cities like London. They say that, if you walk around, you could be on camera 400 or 500 times every week. But we do not have that sought of infrastructure here. There are evidentiary issues and, obviously, they are matters for the Attorney. I am certainly prepared to consider any measure whatsoever that will help eradicate this sort of behaviour. As I have said, the government has already foreshadowed some legislation later this year, or early next year, to extend the effectiveness of the hoon driving provisions.

The Hon. A.M. BRESSINGTON: I have a supplementary question. In the minister's response to the Hon. Terry Stephens' question, he mentioned a number of times that, once these hoon drivers notice police cars, they tend not to behave in the same antisocial manner. Will the government consider not using police cars for surveillance so that the police can observe the crime?

The Hon. P. HOLLOWAY: The police, of course, have access to unmarked vehicles and do use them in the course of their job. But, obviously, people in those areas do tend to be wary. I am aware of some antisocial behaviour that used to take place in the Eagle on the Hill area. Apparently, they had people at each end of the strip warning the people who were participating in that behaviour. If any cars, or any car that was suspected of being the police, whether it was marked or unmarked, appeared, they would tip them off. I think that is what happens in a lot of these cases.

As I have said, the police have been very effective; about 1 000 hoon drivers have already had their car impounded under that legislation. I would not want anyone to get the wrong impression about the effectiveness of these new laws. It is going to be difficult in every case, but there has been significant success since this legislation was introduced.

FIRE MANAGEMENT

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before—

The Hon. D.W. Ridgway interjecting:

The Hon. B.V. FINNIGAN: Oh, the Hon. David Ridgway is in charge today.

Members interjecting:

The Hon. B.V. FINNIGAN: Move over; move over. One small step for David; one giant leap for the Liberal Party!

The PRESIDENT: Order!

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about fire management.

Leave granted.

The Hon. B.V. FINNIGAN: We all know that fires are very important in the Australian landscape. They can be devastating for our communities if they get out of control or cross into settled areas, but we also know that they are essential for Australian plants to regenerate and maintain wildlife habitat. There have been many changes in the natural environment since European settlement. Our parks and reserve system forms the core areas for—

Members interjecting:

The PRESIDENT: Order! It is only the last sitting day of the week—not the last day of the year.

The Hon. B.V. FINNIGAN: Our parks and reserves system forms the core areas for maintaining the ecosystems of South Australia, and the government is to be congratulated for its target of biodiversity corridors.

Members interjecting:

The Hon. J.M.A. LENSINK: I rise on a point of order, Sir. What is good for the goose is good for the gander, so I ask you to rule consistently, please.

The PRESIDENT: Order! Suggesting that what is good for the goose and what is good for the gander is an opinion as well.

The Hon. B.V. FINNIGAN: Given that the Hon. Mr Ridgway gave us a lengthy biography today, I am happy to talk about my own experience of bushfires in the past, if members would like to hear it. The government is to be congratulated for its target of five biodiversity corridors to allow for species migration and relocation in the face of changing conditions. There is, however, a question of how fire works in this changing environment. What is being done to update our understanding of fire management?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his most important question and ongoing interest in these important policy matters. The Department for Environment and Heritage is a partner in the national Bushfire Cooperative Research Centre (CRC). The Bushfire CRC provides access to the latest fire research and national expertise in fire science. In collaboration with the Bushfire CRC, DEH commenced a research investigation called Project Fire Experiments in Scrub (FuSE) in Ngarkat Conservation Park to develop models for predicting fire behaviour in heathland, scrubland and woodland. These vegetation types comprise much of the fire prone vegetation remaining in the southern areas of South Australia. DEH completed 22 experimental fires recently in the Ngarkat Conservation Park as part of this joint research initiative. DEH has also entered into an arrangement with Flinders University to study the effect of fire in mallee vegetation, with three prescribed burns completed during April and May 2006 on Eyre Peninsula.

The weather conditions for all trials were carefully selected to have fires at different intensities, ranging from high to moderate, while controlling the fire within the reserves. Following the mallee experience of large fires, I am advised that it is undesirable to allow reserves to be completely burnt over in a single fire event because it means that some large patches of scrub might not be available to provide refuge to fauna and enable recolonisation after a fire event.

This is nationally significant research, as very little study of fire behaviour and ecology has been undertaken on mallee vegetation in the past. The researchers studied the flora and fauna in the areas prior to the burn and will monitor them for the next few years to record how quickly the flora regenerates when the fauna returns to the regenerating area. DEH staff have been heavily involved with planning, managing the operations and cleaning up after the burns are completed to ensure they are safe.

These research programs have been widely supported by the Country Fire Service (CFS) volunteers. Their experience and local knowledge of fire behaviour and weather conditions is a great resource for fire management. These research burns are part of the current government's $10 million initiative announced by the Premier in May 2003 aimed at increasing the use of fire for community protection and biodiversity conservation.

The Hon. SANDRA KANCK: As a supplementary question: in light of this acknowledgment of the importance of our parks in preserving native vegetation, have all plans for burning in the Ravine de Casoars Wilderness Protection Area been shelved?

The Hon. G.E. GAGO: I will take that question on notice and bring back a response.

CHILD PROTECTION

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Families and Communities, a question about the investigation of child abuse and neglect notifications.

Leave granted.

The Hon. A.L. EVANS: According to the Child Protection Review by Robyn Layton, the percentage of child abuse and neglect notifications investigated by Families SA fell from 78 per cent in the financial year 1992-93 to 30 per cent in 2001-02. Data recently received by my office from the Department for Families and Communities for the financial year 2005-06 indicate that, out of 25 198 notifications of child abuse and neglect, only 4 779 investigations were finalised. This equates to just 19 per cent of all allegations having been investigated. Astonishingly, 2 777 of the 15 069 complaints that met the criteria for a reasonable suspicion of child abuse and neglect were 'closed with no further action due to higher priority work taking precedence'.

The Layton report also criticised the manner in which Families SA dealt with less urgent tier 3 cases, stating:

> The current minimal response (to tier 3 cases), that of a letter requesting the family to attend a meeting and stating that the allegations will not be investigated has serious implications for the agency.

According to the department's own statistics, confirmations of abuse and neglect occurred in approximately 30 to 40 per cent of all cases investigated. As a result, the department is potentially failing to address real instances of concern. My questions to the minister are:

1. Despite the government's having increased funding for child protection in response to the Layton report, will the minister explain why the number of investigations into child abuse and neglect is diminishing?

2. Will the minister advise the council what higher priority work took precedence over the investigation of allegations that met the criteria for a reasonable suspicion of child abuse and neglect?

3. Will the minister advise the council whether Family SA's procedures for dealing with tier 3 child abuse and neglect cases have been modified?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his important question in relation to child abuse and neglect notification. I will refer his questions to the Minister for Families and Communities in another place and bring back a response.

PRIVACY COMMITTEE

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Leader of the Government a question about privacy principles.

Leave granted.

The Hon. R.D. LAWSON: The Privacy Committee of South Australia was established by proclamation in the *Government Gazette* in 1989. The function of this committee relates to the oversight of the South Australian government's information privacy principles. Those principles regulate the way in which South Australian public sector agencies can collect, use, store and disclose personal information, a matter that came to great public notoriety last year when SA Water was found by crown law to have failed to comply with the privacy principles in relation to Home Services Direct. The last annual report of the Privacy Committee of South Australia was tabled in this parliament on 21 October 2003. Until that time, the report was tabled annually. The instrument establishing the committee refers to section 66 of the Public Sector Management Act, a section that requires agencies to deliver reports to ministers and for those ministers to table them.

That section still applies, and it has been redesignated as section 6A of the act. It also states that the report to be laid before parliament must set out in a prominent position the date on which it was presented to the relevant minister so as to enable parliament to judge whether ministers are tabling these reports shortly after their presentation to them. The Privacy Committee of South Australia does, in fact, publish an annual report, and that annual report is on the web site. However, this government appears to have been overlooking its obligation to table these reports in parliament as part of an important element of parliamentary scrutiny. My questions to the leader are:

1. Why has the Privacy Committee annual report not been tabled since October 2003?

2. Will the government undertake to once again commence tabling those reports in the parliament?

The Hon. P. HOLLOWAY (Minister for Police): I will refer those questions to the Attorney-General and bring back a reply.

CYCLING TO WORK

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Road Safety a question about people cycling to work in South Australia.

Leave granted.

The Hon. R.P. WORTLEY: Over the past few months I have been contacted by a number of my constituents regarding cycling to work. With the increased cost of petrol—

Members interjecting:

The Hon. R.P. WORTLEY: —mainly due to the pretty poor quality of the policies of the federal counterparts of members opposite, more people are finding that they cannot afford to buy petrol and, when they do, very often they are going without the basic necessities in life.

The Hon. J.M.A. LENSINK: I rise on a point of order, Mr President. I draw your attention to standing order 109.

The PRESIDENT: There is no point of order, but the honourable member should not respond to interjections, and honourable members on my left should not interject.

The Hon. R.P. WORTLEY: Due to the increased cost of petrol, cycling to work has become an attractive option. My question is: what is the government doing to encourage more people to cycle to work?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I thank the honourable member for his important question. Earlier in the year, the government released 'Safety in numbers: a cycling strategy for South Australia 2006-2010'. Its main goal is to increase cycling in the state. One of the many ways to do so is to encourage more people to cycle to work. Incorporating valuable exercise into people's daily travel routine results in a considerable increase in their health and wellbeing, as well as saving their money on petrol, car parking or bus tickets. For employers, it means employees who are healthier and happier and who are likely to be more productive and less absent from work. For the broader community, it will result in less greenhouse gas emissions, less traffic congestion and less community health costs.

The Department for Transport, Energy and Infrastructure (DTEI) has recently produced a brochure called 'Creating cycling-friendly workplaces'. As well as providing useful safety tips for cyclists, the guide outlines in simple terms how employers can provide appropriate facilities for workers who choose to ride to work. The primary requirement is a secure place to store the employees' bicycles. They are relatively easily stolen, and it is imperative that bicycles are secure while employees are at work. For people who cycle longer distances, lockers and even showers are, of course, important facilities.

The Hon. J. Gazzola: Almost vital!

The Hon. CARMEL ZOLLO: Almost vital facilities, I am told—depending on the weather, I would say. Government departments, including DTEI, Primary Industries and Health, provide these sorts of facilities. The key to encouraging more people to cycle to work is to provide cycling networks that provide them with safe, accessible cycling routes. This is a cornerstone of the Safety in Numbers strategy and can only be achieved with state and local government working in partnership.

I have previously talked about the web-based Bike*direct* maps, which show Adelaide's principal bicycle networks. DTEI has also just released an information brochure about bike lanes and paths called 'Bicycle Lane,' which is relevant to all road users. The brochure, which is on the department's web site, explains that bicycle lanes provide cyclists with a dedicated lane, creating a smoother flow of traffic for all road users. It is important that all road users understand that there are different types of bicycle lanes, with some that operate all the time and others only at specific times.

Obviously, if drivers park in bicycle lanes during their times of operation, it creates an unsafe situation for cyclists, as they would need to negotiate around the parked car and into the adjacent traffic lane. As well as being responsible for creating unsafe riding conditions for cyclists, the offending motor vehicle driver can be fined a substantial amount. In fact, the fine is the same as for parking on a clearway—that is, $147 plus a $10 victims of crime levy. This government is committed to increasing cycling and has a multifaceted approach to achieving it.

The Hon. M. PARNELL: Is the minister aware that, in the past fortnight, a Parliament House bicycle users group has been established, and would the minister like a membership form?

The Hon. CARMEL ZOLLO: I have to say that I was not aware of that, and I am very pleased to hear it. I have no doubt the Hon. Mr Parnell had something to do with it. You are the convenor—

The Hon. M. Parnell: And the only member.

The Hon. CARMEL ZOLLO: I do congratulate you, Mr Parnell. Did I hear that the Hon. John Gazzola is a member? No. Regrettably, later on in life, I might be able to, but I probably will not have the opportunity to join right now.

The PRESIDENT: The last time the Hon. John Gazzola rode a bike he let the tyres down because his seat was too high.

GAMBLERS REHABILITATION FUND

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Families and Communities, a question about the Gamblers Rehabilitation Fund.

Leave granted.

The Hon. NICK XENOPHON: On 2 May 2006 I asked a series of questions regarding the allocation of funds from the Gamblers Rehabilitation Fund, including a breakdown of how much of the promised additional funding to the Gamblers Rehabilitation Fund had been allocated directly to BreakEven service providers, those at the frontline of assisting problem gamblers. This follows on from other questions I asked in relation to that issue during the last session of parliament, on 17 February, 25 February, 2 March and 25 May 2005.

This additional funding was in response to a requirement to virtually double the GRF funding allocation for gamblers' rehabilitation, as a result of legislative amendment successfully passed in this place by non-government members. I have spoken with a number of BreakEven counsellors who say that opportunities exist for BreakEven counselling agencies to get more funding by way of a tender process to the Department of Families and Communities for new projects but that some of the busiest agency offices have not had additional funding provided to enable them to continue to expand their vital existing programs (including financial and other counselling), and that there is a significant waiting list for some agencies for those with gambling problems needing follow-up counselling.

There is also concern that the promised additional extra funding took over 18 months to trickle through to the agencies that needed it most. There is a concern that funds are instead being poured into departmental services, instead of being allocated to the existing BreakEven counselling agencies who already have a client base and all the expertise and infrastructure to deal with problem gamblers. My questions are:

1. When will the minister provide responses to my earlier questions of 2 May 2006, regarding the allocation of funds?

2. How much is allocated from the Gamblers Rehabilitation Fund to Department of Families and Community Service providers to address problem gambling?

3. What percentage of the money allocated to the GRF has reached BreakEven service providers through direct funding and also through the tender process for new projects, and will the minister provide a breakdown of that?

4. What assurances can the minister give that funding allocated in the 2005-2006 financial year will reach Break-Even agencies as soon as possible and, indeed, for this current financial year?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his questions in relation to funding for the gambling rehabilitation fund. I will refer his detailed questions to the Minister for Families and Communities in the other place and bring back a response.

ADELAIDE PARKLANDS

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Environment and Conservation a question about the Adelaide Parklands.

Leave granted.

The Hon. SANDRA KANCK: Some time ago, the Adelaide City Council commissioned a concept plan for Victoria Park/Bakkabakkandi in the Adelaide Parklands. A report was prepared at a cost of $54 000, and it was published as a draft in September 2004. In it, the proponents strongly recommend the construction of a new multipurpose grandstand in the middle of Victoria Park and, further, they say, 'The new grandstand is the key to achieving the long-term vision for Victoria Park/Bakkabakkandi.' The proposed grandstand and motor sport pits would provide a permanent motor sport facility in the centre of one of the most beautiful vistas of our parklands. Ironically, the report further states:

> The new grandstand will become part of the landscape of Victoria Park/Bakkabakkandi, contributing towards its overall landscape character and environmental qualities.

My questions to the minister are:

1. Since when have large buildings contributed to either landscapes or the environment?

2. Whose long-term vision is it to have more buildings on our parklands?

3. Has the minister read the report? If not, will she do so as soon as possible?

4. Will the minister confirm the government's strong opposition to there being any permanent motor sport facility on Victoria Park?

5. Will the minister guarantee that no public money will be provided to fund such developments?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for her important questions. Any proposal for developments on our parklands, or anywhere else for that matter, must undergo a series of planning processes and procedures. I am aware of a proposal for the Victoria Parklands. It has been on a website for some time now. If that was to be considered, it would be considered as part of the planning processes that are currently in place. Those planning processes are rigorous and involve allowing all appropriate parties to input into that plan and comment on any potential impact that might have on surrounding services, residential areas and the general public, including environmental impact. That proposal, if it is submitted, would undergo a thorough and comprehensive planning process just as any other planning proposal would.

The Hon. SANDRA KANCK: I have a supplementary question. In the event that that planning process approved extra buildings on Victoria Park, would the minister guarantee that no public money would be used to build those developments?

The Hon. G.E. GAGO: It is a hypothetical question. The plan has not been put; it has not been considered, and it is something that is not on the radar screen at the moment. It is just something that needs to go through proper processes. As you would be aware, Mr President, the government is about to hand down its budget for this year. Any planning proposal that has a budgetary impact needs to go through rigorous cabinet processes. That is the nature of how we plan and budget.

ROAD SAFETY ADVISORY COUNCIL

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Road Safety Advisory Council.

Leave granted.

The Hon. S.G. WADE: On 28 February 2003, the government announced the establishment of the Road Safety Advisory Council. The then transport minister, Michael Wright, said the council would provide broad-based advice on road safety strategies and initiatives to the ministerial council. On 8 August 2006 *The Advertiser* reported that the acting education minister, the Hon. Paul Holloway, justified the government's refusal to put seatbelts on school buses by citing the Road Safety Advisory Council recommendation that the money would be best spent on other road safety initiatives. On 13 August, *The Advertiser* reported that the chair of that council, Sir Eric Neal, had distanced the body from the estimate of $70 million as the cost to fit seatbelts to school buses, stating:

> We cannot take responsibility for the figures. They were prepared by the Department of Transport.

My questions to the minister are:

1. Can she advise the council whether the Road Safety Advisory Council is an independent advisory body to government?

2. If so, can she assure the council that the Road Safety Advisory Council has sufficient resources to formulate independent advice to government?

3. If not, are we not faced with a closed loop of advice on road safety matters, which can only undermine the effectiveness of the state's road safety program and the public's confidence in it?

The Hon. P. Holloway: Is he suggesting that Sir Eric Neal is not independent?

The Hon. CARMEL ZOLLO (Minister for Road Safety): The Hon. Paul Holloway just asked whether the honourable member is suggesting that Sir Eric Neal is not

independent. I can assure this chamber that Sir Eric Neal is fiercely independent. The Road Safety Advisory Council is a high level council, which provides advice to me, as Minister for Road Safety, on matters to do with road safety. The issue of seatbelts has been widely canvassed in the media by my colleague the Hon. Jane Lomax-Smith. We have announced that all new government school buses will have seatbelts fitted to them as they come on line.

I have to place on record (and I think this is something that all other experts have placed on record, and I believe that the Parliamentary Library prepared a paper on it) that school buses are still regarded as one of the safest forms of road transport in Australia. Of course, our children are important to us, and we will begin fitting seatbelts in our school buses. We will gradually phase in the appropriate ones, the high standard lap sash seatbelts that are fitted to the floor (so, they are reinforced), which are the same as those fitted in cars.

The Hon. S.G. WADE: Sir, I rise on a point of order. I stress that the question was about whether or not the council was receiving sufficient resources so it could fulfil its mandate to be an independent advisory council. The minister is answering with respect to a different matter altogether, for which she does not have responsibility. I understand that the education minister is responsible for school buses and seatbelts.

The PRESIDENT: The member must call his point of order rather than making a speech. The minister can answer the question in any way that she sees fit.

The Hon. CARMEL ZOLLO: Thank you, Mr President. The honourable member asked a question about seatbelts, which really went to the heart of the matter of the independence of the Road Safety Advisory Council—and my remarks are relevant. However, if he is not interested to hear what we will be doing, I will not continue. The Road Safety Advisory Council's role, as I said, is to provide independent advice. It is a high level council, with representatives from government agencies, the Motor Accident Commission, the RAA and people such as Professor Jack McLean, who heads the Centre for Automobile Safety Research. It has 10 members, four subcommittees and 12 task forces. The task forces come together when they are discussing a relevant issue that is of concern to our community. The council has done some incredibly good work and I think that, since its inception, there also has been a very strong correlation to some good policy enacted by this government. It has included things such as the immediate loss of licence for excessive speed, drug testing, the graduated licensing scheme and continuing the Safer Roads program's promotion of rest areas and educational material when drivers reach six demerit points. I now have before me consideration in relation to speed limits.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: I forgot to mention that SAPOL is represented on the council, and Deputy Commissioner John White is the deputy chair. It looks at a whole range of issues, including driver behaviour, speed, vehicle safety and roads. It meets in regional areas as well, usually once a year, and I think the most recent meeting it held in that respect was in the Barossa. The council meets four times a year, generally speaking, but it can also meet out of session. It often has a community forum as well, particularly when it is meeting in the country.

As I have said, Sir Eric Neal is fiercely independent. He is staffed; the council has a secretariat which sits in the area for which I am responsible, the road safety area. We believe that Sir Eric is well resourced with respect to this activity. I speak to him on a regular basis, and he has never indicated to me that he is under-resourced, so I am not sure why the member is asking the question. Certainly, Sir Eric has never had any reason to indicate to me that he is under-resourced.

METROPOLITAN FIRE SERVICE

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about Metropolitan Fire Service district officers.

Leave granted.

The Hon. J.S.L. DAWKINS: I understand that 10 MFS station officers were promoted to the rank of district officer on 24 July this year. Apparently, two of these new district officers have been attached to the executive: one has been appointed as executive staff officer to the assistant chief officer, while the other has been appointed as executive staff officer to the deputy chief officer. Both are new positions. I also understand that the number of district officers stationed in the Fire Cause Investigation/Public Building Inspection Department has dropped from four to one. This is in addition to a shortage of station officers in the field, resulting in cases of station officers needing to stay on duty for up to 24 hours at a time. My questions are:

1. Will the minister confirm the appointment of two new district officers to executive roles assisting the assistant chief and deputy chief officers?

2. Will the minister indicate why the previous level of administrative support provided to these executive members is no longer deemed sufficient?

3. Will the minister confirm that the Chief Officer himself does not employ a district officer as an assistant?

4. What action will the minister take to address the shortage of station officers in the areas of fire cause investigation and public building inspection, as well as at local fire stations?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his questions in relation to MFS promotions. He apparently has some source which very regularly reports to him. I am always happy to take his questions and seek advice.

The Hon. J.S.L. Dawkins: It would be good to get some answers sometimes.

The Hon. CARMEL ZOLLO: Well, it is interesting. Sometimes, perhaps, I have to point out to the honourable member that all the sources, or the leaks, he gets might not be quite correct. Whilst a formal response is on its way in relation to the last question he asked, I have to say that sometimes it is disconcerting. The emergency services 'family', as we say, in South Australia is fairly close knit. Even if we do not use people's names when we imply things, when people make accusations everyone knows who you are talking about, as in the case of the question the honourable member asked last session, which was absolute nonsense, I have to say, and concerning which there was an implication that someone got their rank because it was an easy thing to do. But, nonetheless—

The Hon. J.S.L. Dawkins: There was a court case.

The Hon. CARMEL ZOLLO: Which was withdrawn.

The Hon. J.S.L. Dawkins: You've got your information wrong.

The Hon. CARMEL ZOLLO: No; I'm afraid you have. In relation to that—

Members interjecting:

The Hon. CARMEL ZOLLO: Yes. The honourable member may have to consider that the sources that come to him may be discontented for some reason, particularly regarding those commander positions, because over the past three years my advice has been that three new commanders have been established as part of the work force plan of the MFS. Those positions are responsible for emergency management, and we talk about things like USAR, communications and an additional metropolitan operations officer.

I think the honourable member, who does follow the emergency services sector—or all of us, I suspect—would know that the world really has changed a bit in relation to our response since 9/11. There has to be greater preparedness, and a lot of that preparedness is led by the federal government. Indeed, two of those commander positions are partly funded by the federal government.

As to the question asked today, I do not have specifics with me, but the chief officers are responsible for the development of the work force plan, with the approval of the SAFECOM board. I do not have the day-to-day reasoning on who is going into which position but, in relation to the fire cause investigators, I know that, following a review, a district officer has been appointed to manage and coordinate the fire cause investigation section. They have recruited and are training a team of three day-work operational staff, all qualified in fire investigations. Additional staff from the community safety department will also be trained as fire investigators for relief or back up.

The role of fire cause investigator has been renamed 'fire investigator' to better reflect the role of considering the effectiveness of fire safety systems and future preventative strategies; and other changes are being implemented in the workplace, for example, completing reports during business hours, and so on. The implementation of the recommendations are proceeding successfully and in a spirit of cooperation. Nonetheless, I am always happy, if I do not have the day-to-day information of operations, to bring back further information.

MARINE BIODIVERSITY

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about our marine biodiversity.

Leave granted.

The Hon. J. GAZZOLA: I am hurt by your comments, Sir, but I will sort that out later. I am looking forward to the President's dinner, I can tell you! South Australia's strategic plan recognises that a healthy environment is the foundation for a prosperous society, and part of a healthy environment is the protection of our state's marine biodiversity. What is being done to improve the community's awareness of marine biodiversity and its vital importance to a sustainable future?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his most important question and ongoing and very active interest in this area and intensive research. A couple of months ago I launched a 15-minute animated film produced to promote South Australia's unique marine species and habitats. It was called *The Amazing Adventures of Gavin, a Leafy Seadragon*. I am sure that most members would be aware that the leafy sea dragon is South Australia's marine emblem. In February this year the Rann government moved to deliver greater protection for the leafy sea dragon, along with sea horses, pipefish and weedy sea dragons in South Australia's waters by declaring them protected species.

The film is about a leafy sea dragon called Gavin and his adventures and discoveries while travelling through South Australia's marine waters, showcasing the diversity of South Australia's unique marine species and habitats. The film is based on scientific facts and illustrates the changes the leafy sea dragon goes through to mature and become an adult ready to breed. The film was made with a special group in mind, our children, but can be used for general education and information purposes. It is a most enjoyable film, even for adults, so not just children enjoy this film. It has a range of very important messages pitched at different levels of development. Even the opposition would understand it! Our future generations will benefit the most from learning about the marine environment at an early age, as they are our stewards for the future.

This was an initiative of the Coast Protection Board, with support from the Department of Environment and Heritage and the South Australian Film Corporation. It was produced in partnership with the Marine Discovery Centre and Waterline Productions. The film was the result of a partnership between government, award winning film producers, director and animators, and educators, all with an interest in promoting our unique marine environment. *The Amazing Adventures of Gavin, a Leafy Seadragon* is a great example of what different government and non-government institutions can do when working as a team for a purpose.

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: I think the Hon. Mr Ridgway would like the leafy sea dragon renamed to 'David'; we can look at that. I am sure everyone is interested to know that these partners came together two years ago for the special cause of promoting our marine environment and giving life to our state's marine emblem, the leafy sea dragon, and his many South Australian friends. This significant film will be distributed free of charge to schools and other organisations to assist with work on marine information and education. It is a step forward in educating the community about how we can better care for our marine environment, and it is important that the message is pitched at a range of different levels. I trust this film will assist us with showing people around the world what we have and that it will instigate curiosity about the mysteries of our oceans. This project is an excellent example of the government's commitment to increasing awareness of marine biodiversity and the important part it plays in a sustainable future for our state.

CHILD SEX OFFENDERS REGISTRATION BILL

Adjourned debate on second reading.

(Continued from 20 September. Page 674.)

The Hon. M. PARNELL: The Greens support this bill. We support the development of sensible, effective measures to identify, prosecute and rehabilitate offenders. We are glad that in his ministerial statement on Tuesday the Attorney-General promised to introduce some new amendments to ensure that instances of consensual sexual contact between people of a reasonable age are dealt with appropriately.

The Hon. R.D. Lawson interjecting:

The Hon. M. PARNELL: I think he said in his statement he was going to deal with the so-called 'young love' provisions; he was going to look at that. I look forward to seeing those amendments when they are brought before us. I am also aware that the Law Society still has some concerns over this issue, and I look forward to seeking assurances in the committee stage that protections will be in place for some young offenders, in particular in relation to the way the criminal justice system deals with negotiated settlements of many offences.

I am also glad to see that we have some reasonable measures in place for intentionally or recklessly disclosing information that is contained on the register. I think that is a good provision. I do not subscribe to the view that the publication of offenders' details leads to a greater level of protection for children; I do not think that is the case. I am pleased that the government has learnt from overseas experience that a public register almost certainly guarantees that an offender will not be able to be rehabilitated and that it certainly guarantees vigilantism.

Even though we are supporting the bill, the government must not think its job is done simply by monitoring offenders through a register. There needs to be greater focus on rehabilitation and prevention of these crimes in the first place. We also need to recognise that what we are dealing with this in this bill is only the tip of the iceberg and that the vast majority of offenders will be the family and friends of the victims. Those people are far less likely to end up with their names on a register. Every effort has to be made to tackle the broader problem of child abuse and neglect in the community but, in terms of the tip of the iceberg, at least, we are happy to support this bill and the registration measures that it contains.

The Hon. B.V. FINNIGAN secured the adjournment of the debate.

BUDGET PAPERS

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table the following papers:

Budget Overview—Delivering Results for South Australia 2006-07; Budget Paper 1

Budget Speech 2006-07; Budget Paper 2

Budget Statement 2006-07; Budget Paper 3 (PP 18)

Portfolio Statements 2006-07; Volumes 1, 2 and 3; Budget Paper 4 (PP 16)

Capital Investment Statement 2006-07; Budget Paper 5 (PP 17)

Regional Statement 2006-07; Budget Paper 6.

CHILD SEX OFFENDERS REGISTRATION BILL

Adjourned debate on second reading (resumed on motion).

The Hon. A.L. EVANS: At the outset I indicate general support for the establishment of a Child Sex Offenders Registry; however, I think it could be done in a better way. Family First is grateful for the minister's briefing in respect of this bill, and there has been significant discussion between my office and the Hon. Mr Hood's office and the minister regarding possible improvements to the bill.

I understand that the minister is in the process of redrafting some parts of the bill, and I trust that his office will consider the proposals that I describe today as part of the redrafting process. If that turns out not to be the case, then I may have our draft proposals finalised in the form of an amendment. Given the current negotiations and the likelihood of several amendments to this bill, at the conclusion of my speech today I will be seeking leave to conclude my remarks at a later time.

I think the bill can be improved in several ways. First, let me get one thing straight—sexual predators now also operate on line. We believe that judicial officers should have the power to limit a child sex offender's internet activity—including, amongst other things, the ability to restrain an offender from having a home internet connection, hosting web sites, using chat rooms, or sharing photographs or videos on line. There is no provision in this current bill, nor in the current paedophile restraining order provisions, to protect our children from paedophiles who carry on their disgusting activities on line.

Secondly, we submit that controls on a paedophile's behaviour should not be imposed administratively, as the current bill proposes, but should be imposed by a judge or a magistrate as part of a paedophile restraining order. In this regard I submit that the interplay between the Child Sex Offenders Registry and paedophile restraining orders under section 99AA of the Summary Procedure Act can be improved. Let me first look at the interplay between the Sex Offenders Registry and the paedophile restraining orders; I will then get back to my suggestion that judicial officers should have the power to ban paedophiles from using the internet or the ability to limit their on-line activities.

I will start by taking a step back to explain the difference between the proposed registry and our current system of paedophile restraining orders. We are told that the primary purpose of this bill is simply to monitor the whereabouts and employment of sex offenders. In briefings that our office has had regarding this bill we are assured that the aim of the bill is not to place offenders under parole-type conditions. The focus of this bill, we are told, is simply to set up a register, or list of offenders, and that it is not designed to control them in any way beyond forcing them to report in from time to time to update their personal details, address and so forth. Therefore, the registry is administrative and not judicial. If a person is convicted of certain offences, they are automatically placed on the register, presumably by the Commissioner's clerk, as anticipated in section 60.

Compare that with our current system of paedophile restraining orders as they appear under section 99AA of the Summary Procedure Act. These restraining orders have, as their object, to control and restrict sex offenders. In particular, they have the power to restrain offenders from loitering around children. This regime is reasonably rare in other jurisdictions. To my knowledge, the only other jurisdiction that has these powers is New South Wales. Nevertheless, I understand that these orders are regularly used and that they are a vital part of the arsenal in the battle against paedophiles in this state. For example, on 29 October 1999, *The Advertiser* ran an article about a sex offender against whom a paedophile restraining order proved particularly effective. A paedophile restraining order is, in effect, a judicial restriction to a person's freedom. It is imposed by a judicial officer—that is, a judge or magistrate—under the application of the prosecutor after listening to the relevant evidence.

I draw members' attention to section 65 of the bill which provides that sex offenders on the register should be restrained from doing child-related work. This is a significant punishment—possibly a lifelong restriction to a person's

freedom—which will ensure the safety of our children. This sort of penalty should not be left up to a clerk or a computer system in SAPOL headquarters. Even if it is mandatory, such an order should be imposed judicially rather than administratively under the paedophile restraining order. This line of thinking led Family First to realise it is appropriate to take section 99AA of the Summary Procedure Act out of that act and to place it in this bill so that all paedophile monitoring and control provisions are under one act.

Provisions which deal with the keeping of the register can and should remain administrative. Control provisions such as restraining the offender from doing child-related work should be dealt with judicially under the paedophile restraining order provisions. In that way, a judicial officer will have the opportunity to turn their mind to imposing the most effective restraints, once they have convicted a person of a child sex offence. In some cases, a judicial officer might believe that a particular clause in the restraining order is not warranted and, in other cases, that conditions—harsher than those currently envisaged—should be imposed. A further benefit to putting section 99AA in the Summary Procedure Act is that the paedophile restraining order regime comes into this bill.

The suite of amendments we propose will enable, for instance, a sentencing judge to impose the existing type of 'no-loitering' paedophile restraining order on the person they are sentencing. At present, to get a paedophile restraining order, evidence of loitering needs to be presented. However, if a sentencing judge were convinced there was a good reason to impose a no-loitering condition, along with a no-child-related work order, they should be able to do so. Some might say Family First is just mucking about with the legislation, shifting legislation from one place to another for appearance sake. Not so; I reject that absolutely. The Hon. Ann Bressington and the opposition have protested that this bill is too weak. We are trying to tighten it up.

Once we have the power to judicially impose further controls on paedophile activity, I submit that we should consider online offending. This is a focus sorely lacking in the bill. The current paedophile restraining order provisions deal primarily with loitering around children. These laws were drafted over 10 years ago in times when internet stalking and online child pornography were not so prevalent. Many offences for child sexual abuse now occur online. The US Federal Bureau of Investigation booklet entitled 'A Parent's Guide to Internet Safety' reads as follows:

> Unfortunately, the same advances in computer and telecommunication technology that allow our children to reach out to new sources of knowledge and cultural experiences are also leaving them vulnerable to exploitation and harm by computer sex offenders. While online computer exploitation opens a world of possibilities for children, expanding their horizons and exposing them to different cultures and ways of life, they can be exposed to dangers as they hit the road exploring the information highway.
>
> There are individuals who attempt to sexually exploit children through the use of online services and the internet. Some of these individuals gradually seduce their targets through the use of attention, affection, kindness, and even gifts. These individuals are often willing to devote considerable amounts of time, money and energy in this process. They listen to and empathise with the problems of the child. They will be aware of the latest music, hobbies and interests of children. These individuals attempt to gradually lower children's inhibitions by slowly introducing sexual context and content into their conversations.
>
> There are other individuals, however, who immediately engage in sexually explicit conversation with children. Some offenders primarily collect and trade child pornographic images, while others seek face-to-face meetings with children via online contacts. It is important for parents to understand that children can be indirectly victimised through a conversation, i.e., 'chat', as well as the transfer of sexually explicit information and material.
>
> Computer sex offenders may also be evaluating children they come in contact with online for future face-to-face contact and direct victimisation. Parents and children should remember that a computer sex offender can be any age or sex. The person does not have to fit the caricature of a dirty, unkempt, older man wearing a raincoat to be someone who could harm a child.

There was a story in last Saturday's *Advertiser* regarding a 48 year old Warradale man charged with distributing and downloading more than 500 images of child pornography over the internet. I am assuming, and hope sincerely, that he will serve time in custody if he is found guilty. Child pornography images are pictures of crime scenes depicting defenceless children as offences are committed against them. Offences are carried out on children for these pictures to be obtained and often traded online, and it is for this reason that our society deems child pornography abhorrent. But, if this man serves his time in custody, the current law says that he can walk out of the gates of Yatala and straight back to his computer. We submit that a judicial officer should have the power to ban such an offender from using the internet. We submit that under a paedophile restraining order a judicial officer should now have the power to limit an offender's internet usage, including the ability, for example, to restrain an offender from having a home internet connection, hosting web sites or sharing material online.

Where a judge is satisfied that the use of the internet was a factor in offending and considers that there is merit in making such an order, we submit that the judge must make an order (in addition to recording a conviction, thereby invoking the Child Sex Offender Registry conditions) for a paedophile restraining order barring the offender from using the internet for such period, including indefinitely, as the judge may order, or barring certain methods of use of the internet. The offender should also be subject to such reporting and/or disclosure requirements as the judge deems fit, including conditions enabling police to seize and inspect a personal computer or other internet-enabled device in possession of the offender.

I understand that such provisions are being debated in the US under the Adam Walsh Child Protection and Safety Act. In the United Kingdom, judges are now routinely imposing internet bans, particularly on child sex offenders who use the internet in the commission of an offence. As recently as 15 September, the Guardian Online talked of a 57 year old south-east Londoner who was convicted of having more than 480 000 inappropriate images of children on his computer and almost 2 000 videos, including one of a baby who was just a few months old. The judge gaoled the man for a minimum of 4½ years and banned him from using the internet for life.

On 22 July 2004, the Register Online tells the story of a convicted paedophile who was banned from internet chat-rooms for 10 years after pleading guilty to possessing and distributing images of child abuse involving children as young as 18 months old. He was also gaoled for 2½ years. A BBC news article on 16 January 2004 mentions a 37 year old man who lured a 14 year old girl into having sex with him after grooming her via an internet chatroom. The story explains that he was gaoled and banned from using the internet for five years.

So, the concept of banning paedophiles from using the internet is nothing new. Mother England is doing it, and Family First sees no sound reason for our not doing it. Other states in Australia have not yet implemented these provisions,

but the proposal I suggest would let South Australia lead the way in this country. I trust that the government will consider my suggestions. I will have further discussions with parliamentary drafters. As I foreshadowed earlier, given the current negotiations, and the likelihood of several amendments to this bill, I seek leave to conclude my remarks next week in order to allow the Hon. Sandra Kanck to speak today.

Leave granted.

The Hon. SANDRA KANCK: I rise to indicate that the Democrats will be supporting this legislation. It is well known that I am no fan of the Rann government's law and order campaign, but that is not because I am unconcerned about the impact of criminal behaviour in our society. When we are dealing with a bill like this, I want it on record that I believe that sex offences against children are absolutely reprehensible. Rather, it is because I am aware of the limitations of the general deterrent effect of the criminal law. I certainly do not believe that 'tough on crime' works. If longer sentences meant less crime, I would be first in the queue to call for longer sentences, particularly in the case of violent crime. Unfortunately, there is no simple correlation between the punishment imposed on law-breakers and the level of crime in a society. Indeed, harsher punishment can actually lead to more not less violent crime, strange as it seems. It is no coincidence that both South Africa and the United States have the death penalty and alarming rates of homicide.

Another objection I have to the Rann government's law and order campaign is that it is fuelled by base political motives. Electoral considerations are given far more weight than public good. Not so many years ago, the suggestion that a Labor administration would be further to the right of the Liberals on law and order issues would have been mocked—but no more. Time and again, the current Labor Attorney-General, Michael Atkinson, abandons longstanding legal principles in search of a favorable headline. In the past, former Liberal attorneys-general Robert Lawson and Trevor Griffin have exercised great prudence in comparison.

Those general objections to the Rann government's 'tough on crime' approach aside, I believe that this bill has merit. It attempts to come to grips with the tendency for recidivist behaviour amongst child sex offenders. It requires convicted child sex offenders to provide to a national register, amongst other details, their name, address, car registration, names and ages of all children with whom they reside or have regular unsupervised contact, and details of any affiliation with any club or organisation with child membership. It requires those registered to notify the Commissioner of Police of any changes to that information, or an intention to travel interstate for more than 14 days. The failure to comply with those reporting requirements brings severe punishment. These are quite onerous restrictions upon these individuals' liberties, but I accept that they are justified.

In doing so we are rightly saying to those offenders, 'We, as a community, are aware of the ongoing danger you pose to defenceless children and we are watching.' Crucially, access to the register is restricted to authorised people. I indicate that, if that had not been the case, I would be thinking twice about supporting this legislation. By having that particular provision it should ensure that the register does not create the type of vigilante behaviour that has plagued similar efforts overseas. The enforcement of the law must be left in the hands of the authorities. I indicate support for the second reading.

The Hon. NICK XENOPHON: I indicate my support for this bill. I do not think it is necessary for me to outline what this bill is proposing to do as it has been adequately canvassed both by the government in its second reading contribution and by my colleagues. It is fair to say that this bill has a number of welcome measures. It is long overdue. I think the Hon. Robert Lawson made a number of pertinent points about the long and tortuous process with respect to this bill coming to this place, and also the path with respect to the reforms that have been proposed.

The reforms do not go as far they do in New South Wales, where it relates to all offences against children, not simply to sexual offences. As I understand it, the government's rationale is that the rate of recidivism with respect to paedophiles is notorious, and that seems to be the key policy driver, but I would like the government to respond at the end of the second reading stage as to why we have not gone down the path New South Wales did, with respect to it being more encompassing in terms of offences against children.

Did the government seek advice or obtain information from the New South Wales government, and from the New South Wales police force, as to the effectiveness of the register there, which is a broader register than the one that is proposed here in South Australia? I also note that my colleague the Hon. Andrew Evans is proposing a number of amendments to this bill, and I look forward to those amendments being tabled and considered during the committee stage.

I also foreshadow that I have instructed parliamentary counsel to draft amendments to this bill in relation to monitoring devices, as a way of augmenting the register and as a way of making the register more effective in the context of the legislative framework that is being proposed. The position is that, in other states and other jurisdictions, there has been electronic monitoring of offenders. This monitoring (such is the nature of technology today) can be linked to GPS, so that offenders can be tracked to ensure that they do not go near places they are not supposed to go to.

If there is an order that they do not go near schools, kindergartens or playgrounds, then this ensures that anyone on this register who has that additional constraint placed on them actually complies with it. It is a guarantee that safeguards the interests of the community and the safety of children by using electronic tagging linked with GPS. That is something I hope the government will be able to consider. As I said, I will be in a position to table those amendments on the next day of sitting (if not earlier) and to provide them to the government and my colleagues from the opposition and on the crossbenches.

With those remarks, I indicate my support for this bill. I look forward to any amendments filed by my colleagues, including the Hon. Andrew Evans. I hope that members will be open to the concept of making this bill more effective and workable, above all enhancing the very intent of the bill with respect to ensuring that South Australia's children are protected from sexual predators by having electronic tagging as an element of this bill.

The Hon. J. GAZZOLA secured the adjournment of the debate.

UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (EXTENSION OF PERIOD OF SCHEME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 September. Page 640.)

The Hon. M. PARNELL: I recall that when I came to South Australia in the late 1990s one of the first issues with which we had to deal in the conservation movement in which I was working was this concept of an Upper South-East dryland salinity and drainage scheme. It was controversial in the community back then (in the early 1990s) and it is no less controversial now that we are two-thirds of the way through the scheme. At the outset I say that I believe there has been a great deal of good faith on behalf of the people who have been involved in devising and implementing the scheme, but that does not detract from the fact that it is a controversial scheme and that there are strong opinions both for and against the engineering solutions that are the main part of that scheme.

I listened very carefully to what the Hon. Sandra Kanck had to say. Clearly, in her capacity as a former member of the Environment, Resources and Development Committee and having visited the site on a number of occasions, she has a great deal of experience in that issue. However, from a legal point of view, I believe that we have sunset clauses in legislation precisely for the reason that we want to enable future parliaments to review legislation, to assess how legislation is working or not working and then to make an informed decision about whether to keep it going, abandon it or suspend or postpone it.

I think that this is such a point in time. Two stages of the scheme have been completed. As I understand it, at least a third of the money remains to be spent for the final stage. What we are being asked through this bill is effectively to rubber stamp an extension of this scheme. It is a complex situation. I have not seen a great deal of evidence that the scheme is achieving the goals that it originally set out to achieve, particularly those goals that relate to the depth of the watertable and in relation to native vegetation.

I have had many discussions with members of the conservation community, and I have asked them, 'Is Sandra Kanck right in terms of the comments she made? Is it an unmitigated disaster?' The main answer I get from people is, 'Well, yes and no; she is largely right in some areas.' However, it remains controversial and it remains a matter on which people are divided. There seems to be a fair amount of consensus that at least one drain is yet to be constructed (the so-called West Avenue drain), which is scheduled to go ahead and will go ahead if we extend this legislation about which there is a great deal of concern, particularly the impacts that that drain would have on adjacent wetlands.

I believe there is more to be lost than to be gained by going ahead with the scheme. We should use the sunset clause and the opportunity it presents us to undertake a comprehensive, rigorous and independent review of the works done to date, their effectiveness, impact and the possibility of future works. We do not know as much as we should or we would like to about the hydrology of the area or about the soil profiles. I think that is the work that should be done in an independent review. One thing we do know for sure is that the overwhelming consensus of the world's scientists is that climate change is real, and the consensus of what that means for South Australia is one of a hotter and drier state, and we know that that will have implications on not just surface water but groundwater as well.

It appears that the focus is overwhelmingly on engineering solutions to complex problems in this legislation. As someone put it to me, when you have a hammer, every problem looks like a nail, and that really sums up the engineering approach to complex problems. The call made by the Hon. Sandra Kanck and local land-holders for an independent review of the scheme before proceeding with the third stage is a valid and timely approach. I think we should take this opportunity to take stock and ensure that any further action we take in the future and any further changes we make to the natural flow of water in the Upper South-East will improve rather than detract from the environment. For these reasons, I will be opposing the bill.

The Hon. J. GAZZOLA secured the adjournment of the debate.

WORKERS REHABILITATION AND COMPENSATION (TERRITORIAL APPLICATION OF ACT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 August. Page 609.)

The Hon. R.D. LAWSON: I indicate that Liberal members will be supporting the passage of this bill which will overcome a difficulty that has existed in the reciprocity which applies between states in relation to certain work injuries. The minister's second reading contribution outlines some of the difficulties and highlights the anomalies revealed in the cases of Selamis and Smith, both of which were decided in the late 1990s. I think it is regrettable that the government in seeking to claim credit—and I am not at all reticent about giving it credit for introducing this measure—has seen fit to suggest that the previous Liberal government was in some way derelict in not supporting an amendment that the then Labor opposition moved in 2001, because clearly the amendment that the Labor opposition moved in 2001 to our workers compensation rehabilitation scheme would not have solved the problem, which was a problem that could only ever be solved by action being taken by all states and territories.

I had ministerial responsibility for workplace relations for some time in the previous government and remember the difficulty in grappling with this particular issue. The major difficulty was that the large states, particularly Queensland and New South Wales, did not see it to their advantage to embrace a national scheme. Both workers compensation schemes in both those jurisdictions considered that they would be likely to suffer a net detriment from engaging in a reciprocal scheme, there being more commercial and road activity in those states being conducted by drivers, usually resident in other states, driving into those states.

The real stumbling block in achieving a national consensus on this issue was bringing those jurisdictions into line, and I am delighted to see that they have agreed to come on board. I notice that legislation has been passed in New South Wales but has not yet commenced in that state, and I would ask the minister in summing up or at the committee stage to indicate to the council what is the position regarding the New South Wales legislation. Does he have any further information about the position of the Northern Territory?

Once again, I think it is important that the Northern Territory has legislation, because we in South Australia do have, and always have had, a certain amount of interaction with the Northern Territory.

One could argue endlessly—as, I am afraid to say, the lawyers did—about the appropriate solution to this problem. Many solutions were advanced. The former South Australian Parliamentary Counsel Geoff Hackett-Jones QC devised a very elegant solution which, we believe, would have been the appropriate model for the nation. Unfortunately, that was not embraced at the time. My own belief is that whatever test—any test at all—provided it is a uniform test, is better than the current situation.

The new test, which I will mention briefly, is a state of connection test, which unequivocally will link a worker to one particular jurisdiction in the event of an injury. The test holds that a worker is connected with, first, the state in which the worker usually works in the employment in which he is injured, or, if no state or no one state is identified under that test, the state in which the worker is usually based for the purposes of employment. One is where he usually works and the other is where he is based. Thirdly, if there is no state or no one state, as identified under either of those tests, the state will become the state in which the employer's principal place of business is located. Finally, if no state is identified under those three tests, a worker's employment is connected with the state in which the injury happens, provided that there is no place outside Australia under the legislation in which the worker may be entitled to compensation. There will be only one state or one jurisdiction in respect of which compensation will be payable. There will not be cracks through which workers will fall so that they are unable to obtain any compensation at all, as has been the case in the past.

I notice that the act to some extent will have retrospective operation and, according to the minister, that retrospective operation will cost the South Australian WorkCover scheme up to $1.6 million—an amount which the WorkCover board does consider minor and which will not pose any significant risk to the scheme. However, I would ask the minister whether any costing has been done on the likely cost to the scheme—if there be a cost—of the implementation of this new uniform national test. It is possible that in this state we might be a net beneficiary under such a scheme, and I think it ought to be put on the record what the economic consequences of this measure would be.

We are delighted to see that the bill has been the subject of extensive scenario testing, and to date no examples have been identified that have exposed a flaw in this model. My colleagues and I hope that no flaws will be discovered. If they are, remedial action will have to be taken. We believe this is an important step forward and we are pleased to support it.

The Hon. D.G.E. HOOD: I rise to support the second reading and to indicate Family First's general support for the bill. In the view of Family First, the cases raised in second reading speeches talk of the tragic consequences of having gaps in the legislation, and a South Australian family has missed out on compensation for a deceased worker because of poorly drafted law. However, in defence of the draftspeople, in this case the unfortunate gap consequences appear to be more so because we were frontrunners in this area of the law, and the facts overtook the original intention of the act. Nonetheless, the machinations of the present bill demonstrate well the workings of a healthy government. The courts have identified to the executive the need for legislative reform, and the executive is responding by bringing the issue before the legislature. This bill will probably not raise the attention of the media, because it is very much a good news story, if you like, about the proper workings of government.

Workplace death and injury is traumatic for families who rely upon their breadwinner, or breadwinners, to support them, and I believe it is particularly tragic for those families where someone is injured or killed as a result of their work and the non-working spouse is either not qualified or not able to find a job. Indeed, not everyone can afford life insurance or income protection insurance, and the like. There may be something to be said for including some level of income protection insurance in superannuation, as is the case with life insurance policies provided by many companies. Anyway, I digress.

Unfortunately, for the poorer people, the least well off in our society, workplace death or serious injury can leave them even worse off than others in our society. It is heartening to see that the motivation of the government with respect to this bill is to alleviate that suffering and, indeed, to bring some measure of justice to those who are potentially slipping through the cracks under the current legislation. Indeed, it appears to Family First that the government is creating an opportunity for people who have slipped through the cracks to make a claim within a reasonable time frame so that they are not necessarily left out of pocket. No-one could argue that the government had little choice but to do this. However, Family First commends the government for pursuing this matter. For employers, it is encouraging to see the government clear up the law so that two policies of workers compensation insurance are not required for workers with an interstate component to their employment. Again, that is a fairly sensible reform, which will expedite the matter for all concerned.

However, I am concerned about a matter that was raised during the second reading debate in the other place concerning WorkCover's continuing to collect levies applicable to workers, even when such workers are over the age of 65 and, therefore, beyond the ambit of the act. That is something that I believe deserves further investigation. I would be grateful if the government could advise the council about that issue before the committee stage: it would be greatly appreciated. As I said, Family First is supportive of this bill, and I indicate our support for the second reading of the bill at this stage. We will watch with interest what occurs during the committee stage.

The Hon. J. GAZZOLA secured the adjournment of the debate.

EVIDENCE (SUPPRESSION ORDERS) AMENDMENT BILL

Second reading.

The Hon. P. HOLLOWAY (Minister for Police): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Before the last election, the Labor Party gave an election promise in these terms:

> A re-elected Rann Government will update laws governing the use of suppression orders in South Australia in order to better reflect public expectations.

> We need to change the use of suppression orders in our courts in the interests of public confidence. Our justice system is built on the principle of openness and transparency, yet confidence can be shattered when a case is suddenly shrouded in the secrecy of a suppression order—seemingly with little explanation. Victims can also feel insulted by what they see as the unfair protection of the accused. To family members under stress this looks like a cover up.
>
> We want to make sure that these orders are used genuinely in the interests of justice, to protect the privacy of victims and to prevent the accused escaping through mistrial. Suppression orders are more common in South Australia than anywhere else in the nation.
>
> We will pursue an easing in the number of suppressions by changing section 69A of the Evidence Act.

This Bill fulfils the promises that the Government made before the election. We support the principle of openness and transparency throughout our court system. Open trials help in maintaining public confidence in the administration of justice because they demonstrate that due process and equality under the law are accorded to all; that is, justice must not only be done but be seen to be done. The courts carry out an important social function on behalf of the public and the public is entitled to scrutinise the way in which this function is being performed. This Bill recognises these important principles but also continues to acknowledge that there are occasions where a suppression order is warranted. Suppression orders operate to prohibit publication of evidence and images and, to that extent, restricts what is in the public arena. They do not prohibit members of the public or media from knowing what goes on in court. Anyone who is interested in a particular case can attend a court and hear evidence that may subsequently be suppressed.

The Government's election promise recognises that there is a place for suppression orders but that the order should only be used genuinely in the interests of justice, to protect the privacy of victims and to prevent the accused escaping through mistrial.

There are examples of suppression orders operating where a defendant is assisting police with a continuing investigation. Assistance of this kind can put the defendant or witness at considerable risk from those under police investigation. Clearly, it could well be in the public interest for the defendant's name to be suppressed. If the informer was not protected in this way, the police would be unlikely to apprehend those further up the criminal chain. Without the benefit of suppression orders, there may be consequences for future assistance that the police might seek from defendants.

The undue hardship provisions recognise that there are situations where a person, other than the defendant, may suffer undue hardship if a suppression order is not made. Recent media criticism about suppression orders has failed to recognise the long-term harm that can occur if a child is identified in a notorious case. It is against the interests of justice to reveal the identity of victims and cause them further hardship.

The Bill will require a court to recognise that a primary objective in the administration of justice is to safeguard the public interest in open justice and the right of the news media to publish information about court proceedings. The court may only make a suppression order (other than an interim order) if satisfied that special circumstances exist giving rise to a sufficiently serious threat of prejudice to the proper administration of justice, or undue hardship, so as to justify the making of an order.

The Government wants to send a strong signal to the courts that they must give more weight to the public interest in publication.

Suppression orders will no longer continue indefinitely. If a court makes a suppression order during the course of proceedings, it must then review the order as soon as practicable after the conclusion of those proceedings. At that point, the court will be in a position to decide whether the suppression order should be confirmed, varied or revoked. The Bill draws a line between criminal proceedings in the Magistrates Court and those that progress to the higher courts. At the end of committal proceedings, it is appropriate that, if a suppression order is in place, it be reviewed. Again, at the conclusion of the appeal or when all appeal rights have been exhausted or expired, any remaining suppression order should be reviewed.

The amendments also require that once a court makes an interim order a copy must be sent to the Registrar and entered in the register.

The Government has investigated different ways of providing greater access to the suppression register by the media. The Government has decided that the most cost effective and efficient process is for the Registrar to fax or email a copy of the order to media outlet. The Government understands that a similar system operates well in NSW and Victoria.

The particular newspaper, radio or television station will have to provide the Registrar with details, such as, the name of the organisation, its fax number or email address, and the name of the representative to whom the fax or email should be addressed. It will be up to the particular organisation to make sure that the Registrar is informed if any of those details change. The Bill allows for fees for this service to the media to be fixed by regulation.

The obligation on the Registrar to record the suppression order now also extends to interim suppression orders. Failure by the media outlet to receive a copy of the suppression order, however, cannot be used as a defence to a charge of publishing suppressed material since entry of a suppression order in the register is notice to the media and public of the making and the terms of the order.

The opportunity is also being taken to increase the penalties for breaches of suppression orders and other offences against Part 8 of the *Evidence Act 1929*. It has come to our attention that breaches of a suppression order are invariably prosecuted as a contempt of court rather than the alternative summary offence because the maximum fine currently allowed is $2 000. This is problematic because proving contempt is likely to be more difficult than prosecuting the alternative summary offence. It is appropriate that the fine be increased to provide an appropriate deterrent but that the offence continues to be classified as a summary offence. The penalties will differ depending on whether the offender is a natural person or a body corporate. A natural person who is found guilty of disobeying a suppression order will be liable to a fine not exceeding $10 000 or imprisonment for 2 years. An offender who is a body corporate will be liable to a fine not exceeding $120 000. The penalties for offences against sections 71A, 71B and 71C of the *Evidence Act 1929* will be increased from a fine of $2 000 to a fine of $10 000 for a natural person and a fine of $120 000 for a body corporate.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Evidence Act 1929*

4—Amendment of section 69A—Suppression orders

Current section 69A(1) provides that a court may (subject to the section) make a suppression order (other than an interim suppression order)—

- to prevent prejudice to the proper administration of justice; or
- to prevent undue hardship to an alleged victim, a witness or a child.

Proposed new subsection (2) will require a court to recognise that a primary objective in the administration of justice is to safeguard the public interest in open justice and the right of the news media to publish information about court proceedings. The court may only make a suppression order (other than an interim order) if satisfied that special circumstances exist giving rise to a sufficiently serious threat of prejudice to the proper administration of justice, or undue hardship, so as to justify the making of an order.

It is proposed to repeal subsections (8) through to (14). Current subsections (8) and (9) provide for appeals relating to suppression orders. The substance of those subsections will be included in new section 69AC.

Currently, the Registrar is only required to keep a register of suppression orders other than interim suppression orders. It is proposed to amend the section so that all suppression orders (including interim suppression orders and any orders varying or revoking suppression orders) will be included on the register. Once the Registrar has entered an order in the register, he or she must immediately transmit by fax, email or other electronic means notice of the order to each authorised media representative. The amendments further provide that (without limiting the ways in which notice may be given) entry of an order in the register is notice to the news media and the public generally of the making and terms of the order.

5—Insertion of sections 69AB and 69AC

It is proposed to insert new sections after section 69A.

69AB—Review of suppression orders

New section 69AB provides that suppression orders become liable to review at the end of the particular proceed-

ings (listed in the section). On a review, the court may vary, revoke or confirm the order.

69AC—Appeal against suppression order etc

This new section is substantially the same as the repealed subsections (8) and (9) of section 69A with the addition of allowing for an appeal from a decision by a court on a review of a suppression order.

6—Amendment of section 70—Disobedience to orders under this Division

It is proposed to increase the penalty for disobeying an order under Part 8 Division 2 (including an order for clearing a court or suppressing publication of evidence). The penalty will be different depending on whether the offender is a natural person or a body corporate. Currently, the penalty for an offence against this provision is a fine of $2 000 or imprisonment for 6 months with no distinction made between natural persons and bodies corporate. It is proposed to impose a penalty for disobeying an order of a fine of $10 000 or imprisonment for 2 years for a natural person and a fine of $120 000 (the maximum fine that can be imposed for a summary offence) for a body corporate.

7—Amendment of section 71A—Restriction on reporting proceedings relating to sexual offences

8—Amendment of section 71B—Publishers required to report result of certain proceedings

9—Amendment of section 71C—Restriction on reporting of proceedings following acquittals

Currently, the penalty for an offence against each of these provisions is a fine of $2 000 (with no distinction being made between offenders who are natural persons and those who are bodies corporate). It is proposed, in each case, to impose a penalty for such an offence of a fine of $10 000 for a natural person and a fine of $120 000 for a body corporate.

The Hon. D.W. RIDGWAY secured the adjournment of the debate.

ADJOURNMENT

At 4.10 p.m. the council adjourned until Tuesday 26 September at 2.15 p.m.