LEGISLATIVE COUNCIL

Thursday 11 May 2006

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.17 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Environment and Conservation, on behalf of the Minister for Emergency Services (Hon. C. Zollo)—

Intellectual Disability Service Council—Report, 2003-04
Intellectual Disability Service Council—Report, 2004-05

By the Minister for Environment and Conservation, on behalf of the Minister for Correctional Services (Hon. C. Zollo)—

Report on the Death in Custody of Damien John Cook prepared by the Department for Correctional Services, April 2006.

ARMSTRONG, Mr S.G.

The Hon. P. HOLLOWAY (Minister for Police): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: On the morning of 23 December 2002, Steven George Armstrong was found dead in his unit in Henry Street, Plympton. The post mortem examination found death had occurred some weeks earlier. The cause of death was due to multiple stab wounds. Mr Armstrong had also been viciously beaten. Mr Armstrong was last seen alive during the week of 24 November 2002. There were no signs of forced entry, indicating that Mr Armstrong possibly knew his killer or killers. Nothing of value appeared to have been stolen from his unit.

Witnesses have told police that, in early December 2002, they heard a disturbance emanating from the vicinity of Mr Armstrong's unit. To date, police investigations have failed to identify those responsible for the murder. The family of Mr Armstrong remains hopeful that the person or persons responsible for his murder will be apprehended. That would bring a sense of closure for the family.

Earlier this week, cabinet approved a reward of up to $100 000 to any person or persons who provide information leading to the apprehension and conviction of the person or persons responsible for the murder of Steven George Armstrong. The assistance and cooperation of the public is earnestly sought in this matter. Any information will be treated as confidential.

GLADSTONE EXPLOSION

The Hon. P. HOLLOWAY (Minister for Police): I table a ministerial statement announcing the establishment of an appeal for the victims in the tragedy of the Gladstone factory explosion made earlier today by the Premier.

QUESTION TIME

LAND CLEARANCE

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

Leave granted.

The Hon. D.W. RIDGWAY: I have recently been contacted by a Mrs Doreen Davis who lives in Warradale but has a property at Goolwa. In her letter she states that she purchased this property in 1984. She then goes on to say:

> There were several blocks along Beach Road with vegetation on them and over the years most of the blocks have been cleared. Every year I have paid council rates, water and sewerage every quarter, then the River Murray levy and last year land tax. . . I am an aged pensioner and find it hard to keep up with the manual work, and also find the financial drain a great burden [to clear the block of debris].
>
> On Tuesday 25 April 2006 I went to Goolwa and spent the day collecting debris on my land, and was alarmed at the large number of Aloe Vera, Bridal Creeper and Box Thorn trees on my block. Tuesday May 2 2006 I collected samples of the noxious weeds and visited Alexandra Council. . . I saw Unyah and was given permission to clear my block. About 3 p.m. Mr Miller from Council phoned me and told me he had visited my block [this is the next day], and that he thought there was native vegetation but was still agreeable for me to clear the land. . . On Tuesday 4 May 2006. . . Robert Miller rings again. His message I am not permitted to clear my land, and that I ring their Council Employee David Cooney for the law on Native Vegetation.

Mrs Davis telephoned Mr Miller. He then suggested that she ring the government. So, she telephoned Mr Tom Moubray at the Department of Water, Land and Biodiversity Conservation. She stated:

> He listened but told me he would have to make inquiries and when I pressed him for when I could get that was told to ring back on Monday. . . to see if he had an answer. I phoned the Minister for the Environment and Conservation Hon. Gail Gago, spoke with the office girl who took my number and name for the Minister's Liaison officer Debbie Clarke to ring me back. Debbie Clarke phoned 5.15 p.m. on Thursday 4 May 2006. She suggested I ring Jennifer Rankine, Minister for Local Government. Friday 5 May. . . I phoned Jennifer Rankine's office. She advised me to write to John Coombe, the Chief Executive Officer, to lodge a formal complaint or grievance under the Local Government Act.

Can the minister advise why, despite copious evidence and nine telephones calls by this 74-year old, hardworking tax paying citizen of South Australia, nine telephone calls to the government and ministerial offices, a decision about clearance on her vacant residential block of land at Goolwa has not been made?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I am happy to look into the details of the case that the member has outlined. I will obtain the answers to those questions, and I am happy to bring them back.

Members interjecting:

The PRESIDENT: Order!

MENTAL HEALTH

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about mental health funding.

Leave granted.

The Hon. J.M.A. LENSINK: In the last budget, the government allocated a sum of $25 million over two years to fund a range of community-based services for people with mental health difficulties. This was on the back of South Australia's slipping to the bottom of the table of funding from

its previous lofty position at the top. The SA report card indicated that only 2 per cent of mental health funding was going to NGOs. The government has not provided an answer to how that figure has been modified. Indeed, in her budget media release, the then minister for health, Lea Stevens, said:

> This begins to address what has been identified by many as the biggest weakness in South Australia's mental health services.

In response, however, SACOSS stated:

> This budget still leaves South Australia running last on a per capita basis compared to the rest of the nation.

The Mental Health Coalition has on several occasions called for the $25 million to be made recurrent. Indeed, at its most recent forum on 9 May, I note that Geoff Harris, the CEO, said that it would make a big difference if the one-off funds were made recurrent. My questions are:

1. Given that these services have already commenced rolling out, when will the service providers be advised of continuation or otherwise of funding?

2. If the funding will not be continued, will the minister please explain why not?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): The $25 million to which the honourable member refers was an incredibly valuable injection of extra funding which this government made. It is one of the measures which demonstrates our commitment to the important needs of our mental health services. In fact, I remind the chamber that this government is spending $35 million a year more than the previous Liberal government on mental health services. They should hang their heads in shame, in absolute shame. In terms of the $25 million, the rest of the—

Members interjecting:

The PRESIDENT: Members will come to order.

The Hon. G.E. GAGO: —funding will not be completed for another year. It has another year to go, and any considerations of further funding would be made in the budgetary decisions the year after that. They are funded for this coming year. However, I remind the chamber of the wide range of initiatives and commitment that this government has made to mental health. Finally, after many years of neglect, particularly under the previous Liberal government, we have made up much ground, put extra services in place and made a real commitment, for instance, the designation of a specific mental health minister alone. I am the only mental health minister in Australia, and I think that is—

The Hon. R.P. Wortley interjecting:

The Hon. G.E. GAGO: Yes, I accept those congratulations from my colleague behind me. I think that is a very important indication of the commitment of this government. Another indication of our commitment is the designation of a special reference to our Social Inclusion Board, which has been given the job of transforming our mental health system. It has been given considerable resources, and it is a body which has considerable clout and credibility to assist in undertaking this important initiative, an initiative that looks at providing services for some of the most vulnerable members of our community. These are all steps and initiatives which this government has taken and which the previous Liberal government failed to take.

I take this opportunity to point out the initiatives that were announced during the election campaign. Over $10 million has been provided for the shared care proposal, taking important mental health services out into the community through our GP services and making it more of a front-line service for people in their local community. Taking that expertise out into GP centres is a primary health care initiative. Also, we have designated over $10 million to Healthy Young Minds. Given the outcome of the Generational Health Review, the importance of a primary health care model and the importance of investing more money in early intervention, promotion and such like, I believe the extra commitment of this government to services for our young people is particularly strategic. As I said, I am very pleased to have had the opportunity to answer this question.

In relation to the funding the honourable member referred to, the only official measurement of funding of which I am aware is the national mental health report that comes out annually but is always a couple of years behind when it is published. I draw to the attention of members that the most recent national mental health report says that South Australia's funding is approximately the national average. I am happy to bring back the details—

The Hon. R.I. Lucas: What year?

The Hon. G.E. GAGO: The most recent. This is because every state reports mental health funding differently. The Mental Health Coalition, responsible for the report the honourable member refers to, has claimed therein that South Australia has the lowest funding, and I am aware of that. I have been advised that they did not count the $25 million funding to the non-government sector that the government provided in the last budget, and they put together their figures from various reports and announcements from all states. I am advised that that methodology is not a particularly sound one, so there are question marks, I am advised, about some of the validity of the way they collect, collate and interpret data.

I also understand that such a report did not take into consideration spending in other policy areas that directly or indirectly relates to mental health services, such as supported accommodation and housing. It is with great pleasure that I have the opportunity to answer this question and remind the council that, although South Australia has a long way to go with its services, we have a significant challenge ahead and I do not resile from that at all. However, it is obvious that we have put a number of really important measures in place and have a clear strategy to help overcome some of those deficits.

The Hon. J.M.A. LENSINK: By way of supplementary question, will the minister advise from the great song-and-dance funding announcements we have had how many mental health workers, psychiatrists, community outreach workers and any other workers in the field have been recruited with that funding thus far?

The Hon. G.E. GAGO: One of our election commitments—Healthy Young Minds—looks at an additional 20 community outreach workers and three psychiatrists for Child and Adolescent Mental Health Services and outreach services.

Members interjecting:

The Hon. G.E. GAGO: These are in the planning and are part of our election commitments, and our mental health telephone service has been extended as well.

STATE ECONOMY

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation prior to asking the minister representing the Treasurer a question about economic growth.

Leave granted.

The Hon. R.I. LUCAS: Yesterday in the House of Assembly the Treasurer made a number of extraordinary claims in relation to economic growth in South Australia, one of which is that 'economic growth has never been higher in this state than under this Labor government'. The accepted measure of economic growth by all economic commentators in South Australia and nationally is percentage increases in the gross state product, measured by the independent Australian Bureau of Statistics. For the last three years under the former Liberal government the average annual increase was 3.3 per cent. For the past three years under the Labor government the average annual increase has declined to 2.4 per cent.

For each of the six years I remind members that, starting with the former Liberal government, the increases were 1.7 per cent, 4.7 per cent and 3.4 per cent, and then under the Labor government that declined to 1.7 per cent, 2.8 per cent and 2.6 per cent. In fact, when one goes back into the not too distant past under the Liberal government in 1997-98, there was a 6 per cent economic growth increase, and in 1995 a 6.2 per cent economic growth increase. My questions to the minister representing the Treasurer are:

1. Will he confirm that the annual increase for the last three years under the Liberal government was 3.3 per cent, which is considerably higher than the average annual increase under the Rann government of 2.4 per cent?

2. Will he confirm that the Rann government inherited an economy that in its last two years under the former government increased at 4.7 per cent in 2000-01 and 3.4 per cent in 2001-02, which is higher than for any individual year under the Rann government?

3. Will he confirm that in 1995-96 and 1997-98, under the former Liberal government, economic growth was at 6.2 per cent and 6 per cent, which is higher than for any individual year under the current Rann government?

4. Will he confirm that his statement to the House of Assembly yesterday was untrue and that he has seriously misled the House of Assembly?

The Hon. P. HOLLOWAY (Minister for Police): I will refer those questions to the Treasurer; I am sure he is familiar with the statistics. The Leader of the Opposition, again, shows his total obsession with trying to correct the historical record of what happened when he was treasurer. I suggest that he try to understand that we are living in 2006, and perhaps he should turn his attention to the issues of 2006.

NORTH TERRACE

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the redevelopment of North Terrace.

Leave granted.

The Hon. J. GAZZOLA: The section of North Terrace between King William Street and Frome Road is described by many as Adelaide's cultural boulevard. The work completed since the redevelopment project began has transformed the area, especially between Kintore Avenue and Pulteney Street, into an attractive showpiece for our city. Will the minister advise members of the progress of the North Terrace redevelopment?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): The North Terrace redevelopment is an important project. For the benefit of members, especially those newly elected to this place, I will touch, briefly, on its history before outlining the present situation. The former Liberal government and Adelaide City Council through the North Terrace Subcommittee prepared an urban development framework for the North Terrace precinct in a concept design for North Terrace itself, including cost estimates and staging options. A stage 1 project was identified initially to implement the concept design between Kintore Avenue, Gawler Place and Frome Road at an estimated cost of around $16 million. The Adelaide City Council called tenders for this project in December 2001. The council is a joint partner to this project and also acts as project manager for the project.

The project was very prudently suspended by the newly elected Rann government in 2002, pending a review of the project. Public consultation was subsequently undertaken by the government to gauge community support for the project and the community's attitude to some of the design features. The government and the council then agreed to a reduced stage 1 project, and design changes reflecting public preference for more lawn and oriental plane trees were incorporated into the design. After all, it is important that urban design projects broadly reflect the community's desires and values for their public spaces. This generally results in a completed project that is appreciated, valued and respected by the community at large. The redesigned project was estimated to cost $12.25 million—an overall saving of $4 million—resulting in a $2 million saving to government on the original stage 1 proposal.

The Public Works Committee tabled a final report in July 2002 recommending the project. Tenders were received in December 2002 and the council and the government agreed to proceed with stage 1. Work began on site in May 2003 and was completed in October 2005 with the opening of the water feature replacing the Bonython fountain. In January 2005 cabinet gave in-principle approval for a second stage of works from Pulteney Street to Frome road, with funding of $3.4 million. Cabinet also authorised me as Minister for Urban Development and Planning to negotiate project details with the council. Following discussions at the Capital City committee meeting early in March 2005, the parties jointly announced the stage 2 project on 13 March. Cabinet approved stage 2, and parliament's Public Works Committee tabled a generally favourable final report in August 2005.

However, the Public Works Committee quite rightly requested that one issue in particular be reviewed prior to the project's commencement, and that issue was the proposed removal of the slip lane along North Terrace which allows eastbound drivers a left turn into Frome Road. The government subsequently had the traffic engineering issues independently reviewed, and it was not satisfied that removal of the slip lane would not be detrimental to traffic flows during critical times.

The council has assessed tenders for the stage 2 works, but commencement of works on site has been delayed to allow these important matters to be properly resolved. I am advised that one option being considered by the council is making a start to the stage 2 works, but excluding the area required for the slip lane while the engineering details are finalised. Once work begins it is expected to take 12 months to complete stage 2.

NORTH HAVEN PRIMARY SCHOOL

The Hon. A.M. BRESSINGTON: I seek leave to make a brief explanation before asking the Minister for Police questions about public safety.

Leave granted.

The Hon. A.M. BRESSINGTON: I have received a number of constituent complaints regarding the abusive and sometimes violent conduct of a parent of children attending North Haven Primary School. From the information given to me, this person appears to be under the influence of alcohol and/or drugs and has harassed up to four separate families to the point where they have withdrawn their children from the school and actually moved house to avoid any further confrontations. One nine-year old child has had to enter into abuse and trauma therapy after a number of volatile incidents with this adult. Children of other parents have been subjected to this person spitting at them and verbally abusing them.

On 7 April at this school this abusive parent sent someone who was also under the influence of alcohol and possibly drugs to collect her children from the school disco. This person physically assaulted another parent who has been subject to abuse and violence since September last year. The parent who was assaulted had a teacher and others witness an unprovoked attack, and all are willing to give statements to the police. The intention of the parent was to have the woman charged.

This parent has been told by police that the case has been shelved because to pursue it would mean that they would have to appear before the courts and a magistrate would have to decide who, if anyone, was guilty. The parent is confused because she was of the understanding that this was, in fact, the role of the courts and the police, and that police were there to assist her in matters of this nature. There is another parent who experienced the same conduct earlier last year who has numerous police report numbers but who has also had no outcome from the police to contain or remove this person. The principal of the school has stated that she is powerless because most of the situations have occurred off school grounds, and the police are simply not interested in pursuing this. My questions to the minister are:

1. Is it no longer a requirement of the police to deal with trivial matters such as this under the tough on law and order stance of the government?

2. How serious does a matter have to be to warrant an arrest, or at least police intervention, where there is a perpetrator of abuse and violence?

3. What is the policy of police on matters such this that impact on the safety and well-being of members of the community and their children? In fact, is this how our crime statistics have been reduced by 13 per cent, simply by police not pursuing cases such as this? No charges and no court appearance means no crime and no crime statistic.

The PRESIDENT: Just before the minister answers, the honourable member should be careful in respect of the number of opinions that she gave in her explanation. Also, a fair amount of the questions were statements.

The Hon. P. HOLLOWAY (Minister for Police): Obviously, one would need to know the details of the matter before any constructive comment could be made on the issue. However, I noted, during the honourable member's question, that she indicated that the people who had made the complaint against this person were not prepared to provide evidence in court.

The Hon. A.M. Bressington: They do want to go to court.

The Hon. P. HOLLOWAY: I will need to look at the details, and if the honourable member provides me with those I will have it investigated. If the honourable member thinks that police are not acting appropriately we do have the Police Complaints Authority. If there is a complaint, I will refer it to the Police Complaints Authority. However, in cases where the police themselves do not witness the incident it is important that people be prepared to provide evidence that will stand up in court. Obviously, the police or the prosecutors—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I'm just pointing out—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: No, I'm defending the police.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The shadow minister for police immediately assumes that the police must be wrong. As Minister for Police, I am not prepared to make that assumption. What I have said is that I will investigate the facts if the honourable member provides them to me. I have been around in politics for long enough to know that there are always two sides to a story. We will have a look at the facts. If anyone believes that the police have not done their job, there are avenues for complaints to be addressed—and I will make that happen. I would be pleased if the honourable member would give me the specific details of the matter. I will make sure that the Police Commissioner investigates it or refers it on to the Police Complaints Authority—if that is the appropriate course of action—for investigation.

The Hon. NICK XENOPHON: I ask a supplementary question. Will the minister provides statistics for the past 12 months of cases where there has been a complaint of an assault, where the complainants have been prepared to give evidence, but where the police have decided not to proceed?

The Hon. P. HOLLOWAY: I am not sure how statistics of that nature would be kept. I will inquire as to the relevant statistics. As a former member of the House of Assembly, I am aware that, sadly, there are often complaints between neighbours in many suburbs. How one can resolve those matters is obviously very difficult. If they end up in court, the court would look for some hard evidence that would stand out to enable the court to take action. Sometimes, disputes of that kind can be very difficult for our court systems to deal with—that is an unfortunate fact of life. I wish it were easier to resolve these disputes.

If the police are present when an assault takes place, it is easy for them to be able to take action because they are the witnesses, but when the account is secondhand the police and the Director of Public Prosecutions and others who are laying the charges would have to be sure that the evidence is sufficient to get a conviction, because it will not help our law and order system if cases that come before the courts are ultimately dismissed through lack of evidence. These matters are always problematic, but I will have this particular case investigated and see what statistics are available of such cases.

The Hon. A.M. BRESSINGTON: By way of a supplementary question: is the minister saying that the statement of a school principal on more than six occasions is not sufficient evidence for the police to pursue any action on this matter?

The Hon. P. HOLLOWAY: No. What I am saying is that it depends on the statement and the evidence as to whether the court will convict. The police are regularly given complaints, and they will attend and act on those particular complaints, but whether ultimately that leads to a conviction in court depends on whether there is sufficient evidence to sustain the particular charge in court.

The Hon. A.M. BRESSINGTON: I ask a further supplementary question. Will the minister clarify for me and for the members of this chamber exactly what he considers to be reasonable evidence when there have been half a dozen statements from the principal of the school?

The PRESIDENT: Order! The minister can answer if he wishes.

The Hon. P. HOLLOWAY: I am sure there are plenty of cases where principals have had difficulties with the behaviour of parents or others in relation to their school. One of the things this government has done in recent years is to bring in legislation under which people such as school teachers, principals and the like are given extra protection under the law. Offences against those individuals are classified as aggravated offences and carry additional penalties.

There are many people in society who have aggressive behaviour. However, in dealing with those people, often it is a question of whether that aggression goes just that little bit extra so as to be a breach of the law, and they are often difficult matters. It is entirely fruitless to speculate about what someone may or may not have said. What we need to do in all these cases is establish the facts. I have been in politics long enough to know that nearly always there are two sides to a story and that there are always complications that do not often come out. Let us get the facts and, if there is an issue in relation to the police, we will have the matter dealt with. However, I would like to be in possession of the facts before I speculate on what is really a second or third-hand account of what may have happened.

The Hon. NICK XENOPHON: I have a supplementary question. Given the seriousness of the allegations, will the minister give an approximate time line as to when we will receive a response in relation to the matters raised?

The Hon. P. HOLLOWAY: As I understand it, the allegation was that the police should have charged a person. I am not sure about the nature of any assault. I assume there was an alleged assault, but I am not sure how serious it was, and one would need to get the facts. How long the Police Complaints Authority investigation will take would depend on how complex the case is.

COMMUNITY BUILDERS PROGRAM

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation, representing the Minister for Regional Development, a question about the Community Builders Program.

Leave granted.

The Hon. J.S.L. DAWKINS: The Community Builders Program was established in 2000 by the previous government through the Office of Regional Development and the Regional Development Council. It has continued on under the current government, with the Office of Regional Affairs being the lead agency. In addition, the program has been strongly supported by the Regional Communities Consultative Council, which was first established by the late Hon. Terry Roberts in December 2002.

The Community Builders Program has been an excellent developer of leaders in regional communities. The objectives of the program are as follows: to foster community and economic leadership; to provide local residents with the necessary skills, information, motivation and confidence to become more involved in their community and economy; to develop people, communities and businesses that succeed in the local economy; to identify and develop new local and regional economic development initiatives; to stimulate collaboration between communities; and to create a peer support network of friendships across the region. The program has been conducted each year in clusters of communities across four regions of the state, and it has featured strong involvement from the federal government, the Local Government Association of South Australia and individual councils.

I am advised that applications for the next round of the program would normally have closed by now, and that has resulted in community concern about the future of this program, despite its vital role in increasing volunteerism and promoting community involvement in line with the South Australian Strategic Plan. My question is: will the minister rule out the scrapping of this important statewide community development program?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I will refer that question to the minister in another place and bring back a reply.

HERITAGE AREAS

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about state heritage areas.

Leave granted.

The Hon. I.K. HUNTER: South Australia has a number of heritage areas that aim to preserve the character and style of areas of our state, not just individual public or private buildings. South Australians and tourists from interstate and overseas need to know about these areas. The community living in the areas concerned, people who want to visit and heritage professionals who are working to preserve them all need access to up-to-date information about these areas. Will the minister inform the council how South Australian state heritage areas are publicised?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I am pleased to inform the council that I have recently launched the State Heritage Areas of South Australia web site. This is the first publication that provides comprehensive information about the state's 17 state heritage areas. The web site highlights the diversity and individual significance of each state heritage area and provides extensive information about their location, history, character, features and attractions. The web site provides general information about heritage processes, conservation and legislation. A state heritage area is a clearly defined and continuous region with outstanding natural or cultural elements of significance to South Australia's development and identity.

The first designated state heritage area was the historic precinct of Port Adelaide in 1982, and the most recent authorisation, in 2002, is the Mount Torrens state heritage area. South Australia currently has a total of 17 state heritage areas in diverse locations across the state. These clearly

defined regions represent significant aspects of South Australia's rich natural and cultural heritage and, as a group, encapsulate much of the state's identity and character. State heritage areas are subject to special protection under the Heritage Places Act 1993 and, while places or sites within the region can be altered or developed, any work should be sympathetic to the character and significance of that area.

I am advised that there are many roles for and potential uses of the web site. The web site was developed for public interest and to highlight and acknowledge the state heritage areas as a group, to raise their profile and to encourage tourism, local pride and promotion. Many people now obtain their information over the web, both tourists from far away and also local community members. It is a far more highly used mode of information. The web site raises the general profile of South Australia's built heritage and the important work of the Department for Environment and Heritage in its conservation and management aspects. The web site is also designed as a valuable and detailed reference tool for heritage professionals and others involved with South Australia's built heritage.

The web site invites members of the public with connections to a state heritage area to contribute their stories and images, including their memories, in terms of their association with those areas. This means that it is playing an important part in the ongoing oral, or community-based, history of our state, which is very valuable. In addition, the web site represents a product with which to promote the significance and potential of the state heritage areas, either as a group or individually, to key stakeholders and to encourage the South Australian Tourism Commission, the public tourism operators, local councils, owners and others associated with state heritage areas to protect, value and promote those areas. I know that honourable members will be interested in visiting that web site. The address is www.stateheritageareas.sa.gov.au.

ADELAIDE AIRPORT

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the minister representing the Minister for Industry and Trade a question about the Adelaide Airport cold storage facility.

Leave granted.

The Hon. CAROLINE SCHAEFER: Just two days before the election on 16 March, following a concerted effort by the opposition—and, indeed, by 5AA—a press release was circulated by the government, with the headline 'Industry saved by eleventh hour lifeline', and it stated:

> South Australia's multi-million dollar a year perishable goods exports industry has been thrown an eleventh hour lifeline with Adelaide Airport's only cold storage facility saved from closure.

I have since been informed that the funding for that eleventh hour lifeline lasts only until the end of the financial year—

The Hon. R.I. Lucas interjecting:

The Hon. CAROLINE SCHAEFER: This one; yes, only until 30 June. The freezer facility has closed, so only the cool store is open, and at least one major fishing processor has moved their export activities to Melbourne. What process does this government have in place to ensure the continuing operation of cold storage in this state and the reopening of the freezer facility at Adelaide Airport?

The Hon. P. HOLLOWAY (Minister for Police): The facility at Adelaide Airport is privately-owned. I have some knowledge of the background of this matter because I was minister for industry and trade prior to the election, although the carriage of this matter and the person to whom I will refer the question for a more detailed answer is my colleague the Minister for Transport. This government has been involved in discussions for a long time. I think this issue first arose in about October 2005. The government has been moving assiduously to ensure that some cold storage facility remained at the airport, and the government has certainly bent over backwards to try to find a solution.

The honourable member seems to be suggesting that it should become a government facility. Obviously something of this nature is a private sector facility and its ultimate survival should depend on the private sector. We have moved away from the days when governments should be subsidising commercial activities. Nevertheless, as has been indicated, because of the importance of this facility, the government has taken a number of steps to allow the private sector the opportunity to find a solution for this problem, even though it is really an industry problem rather than a government one. I certainly do not accept the criticism that is implicit within the question that the government has been inactive; rather, the converse is the case. I will obtain a response from my colleague the Minister for Transport as to the current status of this issue.

LAND CLEARANCE

The Hon. G.E. GAGO (Minister for Environment and Conservation): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G.E. GAGO: Earlier today I was asked a question by the Hon. David Ridgway about a woman who has a property at Goolwa and who—

The Hon. R.I. LUCAS: Mr President, I rise on a point of order. If the minister is making a personal explanation about another error that she has made in terms of information given to parliament, I seek your guidance—

Members interjecting:

The PRESIDENT: Order! A point or order is being made.

The Hon. R.I. LUCAS: —as to whether she can make a personal explanation, as she has for the past two days, or, indeed, do it as a ministerial statement.

The PRESIDENT: The minister rose to her feet to make a ministerial statement, not a personal explanation.

The Hon. R.I. LUCAS: On a point of order: on what subject, Mr President?

The PRESIDENT: The minister sought leave to make a ministerial statement.

The Hon. R.I. LUCAS: Mr President, I have a further point of order. The normal procedure is that the minister would seek leave to make a ministerial statement on a subject, and then the chamber can make a determination. I seek your guidance, Mr President. What is the subject?

The Hon. G.E. GAGO: They are obviously desperate for questions, Mr President. It is to do with native vegetation.

The PRESIDENT: Leave has been granted.

The Hon. G.E. GAGO: Earlier today, I was asked a question by the Hon. David Ridgway—

Members interjecting:

The Hon. G.E. GAGO: I wonder what they are so afraid of—afraid to listen to the truth, afraid to face their own humiliation—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: They are hiding their own embarrassment, Mr President. I was asked a question by the Hon. David Ridgway about a woman who has a property at Goolwa and who is seeking permission to clear her block. In his explanation, the Hon. Mr Ridgway claimed that a public servant in my office had referred the call to the Minister for Local Government and not dealt with the issue. I am advised that this turns out not to be quite the story at all.

I am advised that the constituent who called my office said that they wished to complain about their local council. On that basis an appropriate referral was made by my office to the Minister for Local Government. However, on the issue she raised regarding native vegetation, both my office and the Department of Water, Land, Biodiversity and Conservation had taken action, such that the Native Vegetation Group inspected the block on Tuesday morning to determine the quality of native vegetation on the block. My office and the Department of Water, Land, Biodiversity and Conservation were both very responsive.

The issue was raised with us on Thursday and the block inspected on Tuesday. Advice has now been given to the constituent on how she may make an application to clear native vegetation on her block, and I have been advised that she is in receipt of such advice. I take exception to the Hon. Mr Ridgway's naming in this place public servants who are doing their job and who have no opportunity to put the other side of the story. They are hard-working, dedicated people who are unfairly accused of things in this chamber and have no opportunity to protect their name and put their side of the story or other facts of the story—a truly despicable thing. If the Hon. Mr Ridgway has concerns—

The PRESIDENT: The minister has sought leave to make a ministerial statement and not a personal explanation.

The Hon. G.E. GAGO: The honourable member only has to contact my office if he has concerns in future.

ADELAIDE AIRPORT

Members interjecting:

The Hon. B.V. FINNIGAN: I am just waiting for the opposition to come to order, Mr President.

The Hon. T.J. Stephens: You have been here five minutes and you are trying to run the show. Do you think you are the President?

The Hon. R.I. Lucas: Do you think you come from the SDA?

The PRESIDENT: Order!

The Hon. R.I. Lucas: Do you think you're Don Farrell? You're only a wholly owned subsidiary.

The PRESIDENT: Order on my left.

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Police a question about the role of South Australia Police officers in security operations at the South Australian airport.

Leave granted.

The Hon. B.V. FINNIGAN: The Federal Government's Wheeler report into airport security made a number of recommendations aimed at developing a national unified model for policing at Australia's major airports, including Adelaide Airport. Sir John Wheeler's recommendations included the appointment of an airport police commander and a permanent police presence at airports. Will the minister detail the role South Australia Police is playing in the provision of security operations at Adelaide Airport?

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for this very important question. The review into security at Adelaide Airport was established by the federal government in June last year in response to the public debate on the level of crime at our domestic and international airports. Sir John Wheeler's review focused on three main areas: threats from serious and organised crime; the integration of ground-based security and law enforcement arrangements; and the adequacy of existing security at Australia's major airports.

As the honourable member mentioned in his question, the Wheeler report made a range of recommendations, including the establishment of a permanent police presence at airports as the basis for increased broad security, deterrence of terrorism and reassurance. The Council of Australian Governments (COAG) approved Wheeler's unified policing model, and in September last year the Deputy Premier announced that 12 SAPOL officers would be provided to perform community policing at Adelaide Airport from March this year. The commonwealth agreed to fund the salaries of the SAPOL officers and any associated costs of recruitment to fill the vacancies so created.

The Australian Federal Police had proposed that 29 SAPOL officers would be required for the unified policing model, including uniformed investigation and intelligence. However, SAPOL indicated that the number of South Australian officers provided for community policing at Adelaide Airport should be 24, given that our airport is not operational 24 hours a day, with a night shift therefore not required. Consequently, the government has approved an additional 12 SAPOL officers to be seconded to policing operations at Adelaide Airport, with a commencement date of 1 July this year.

These officers will be sworn in as members of the Australian Federal Police and will be posted at our airport to support the unified policing initiative, as recommended by Sir John Wheeler. Again, the commonwealth will provide funding to SAPOL to cover the costs of recruitment to fill the vacancies. The provision of 24 officers for the security effort at Adelaide Airport does have some resource implications for SAPOL, which is currently recruiting heavily to fill vacancies due to attrition and to provide hundreds of extra officers being funded by the Rann government. Both SAPOL and the AFP are close to agreement on a memorandum of understanding dealing with operational issues. The government fully supports the efforts of SAPOL and the Australian Federal Police to provide a real and effective presence at our airport.

NATURELINKS PROGRAM

The Hon. M.C. PARNELL: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the NatureLinks program.

Leave granted.

The Hon. M.C. PARNELL: The NatureLinks program was announced by the government over three years ago. One of the most important elements of that program is a project entitled East Meets West, which covers approximately 21 million hectares of land from central and northern Eyre Peninsula through to the Western Australian border using a system of core protected areas and buffer zones. Key objectives of East Meets West are to enable species and ecosystems in the region to survive and continue to evolve and adapt to changing climatic conditions, and to integrate protection and management of terrestrial, estuarine, coastal

and marine habitats. In the lead-up to the recent election, the government described the NatureLinks program as being 'critical to the long-term protection of our biodiversity' and stated that it was part of the 'core business' of the Department for Environment and Heritage. Notwithstanding this commitment, it appears that there is still no strategic plan for the East Meets West NatureLinks program. Further, I understand that there is no strategic plan coordinator employed to ensure this project proceeds. My questions are:

1. Is the government still committed to NatureLinks and the East Meets West project?

2. If so, when can we expect to see a strategic plan?

3. What resources does the government intend to commit to this important project?

The Hon. G.E. GAGO (Minister for Environment and Conservation): These nature links are very important to our biodiversity, and it is one strategy of many that we have in place. Indeed, we are very committed to continuing all those corridors. Clearly, there are many challenges to overcome in pulling together the parks to make that corridor, in terms of the different interests in that land. We continue to work with all the parties involved in relation to that issue. We are fully committed to that, although we do accept it is a challenging process. Target 3.4 of South Australia's Strategic Plan actually commits government to having 'five well established biodiversity corridors linking public and private lands across the state by 2010'.

The Strategic Plan also has an aspirational target of losing no species. Biodiversity corridors are a significant way of furthering that goal. Healthy biological diverse ecosystems underpin South Australia's environmental, social, cultural, spiritual and economic wellbeing. Climate change is very likely to interact with and exacerbate existing stresses on biodiversity, such as habitat loss, fragmentation, and so on. The five biodiversity corridors identified in South Australia's Strategic Plan provide a bold vision—and it is ambitious, I have to say, but nevertheless it is a bold vision—for biodiversity conservation in South Australia to enable South Australian species and ecosystems to survive, evolve and adapt to environmental change.

The Department for Environment and Heritage has begun planning and defining those five corridors through the NatureLinks initiative. It is preparing strategic action plans for each of those corridors. To date, definition and planning for four of the five biodiversity corridors has commenced:

- the East meets West, from Eyre Peninsula through the Great Victorian Desert and Nullarbor Plain to Western Australia;
- the Flinders Ranges Bounce-back corridor, which is an expansion of the successful program to encompass biodiversity on and off reserves from the Southern Flinders Ranges right through to the Gammon Ranges;
- the Cape Borda to Barossa corridor, which incorporates Kangaroo Island, Backstairs Passage and the Mount Lofty Ranges; and
- the River Murray-Coorong corridor, which encompasses the Murray River from the eastern border of the Coorong and includes the South-East wetlands.

Preliminary planning for the fifth Arid Lands corridor will commence in 2007. The corridors will provide a vision for an ecologically sustainable future for South Australia by integrating proactive diversity management with regional development and natural resource management. As I have said, it is an ambitious strategy which involves a complex array of different interests and parties working together to cooperate in the implementation of that plan.

MENTAL HEALTH

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about mental health responsibilities.

Leave granted.

The Hon. S.G. WADE: I understand that coordination of mental health services is split between the Central Northern Adelaide Health Service and the Department of Health. I also note that the Minister for Health, the Minister for Mental Health and Substance Abuse, and the Commissioner for Social Inclusion all have responsibilities in relation to mental health. My questions are:

1. Can the minister assure the council that this fragmentation of policy leadership in mental health will not undermine effective service delivery?

2. As this parliament operates under the Westminster conventions, can the minister advise the council which member of the executive should be held accountable for the mental health system?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his questions. Indeed, our health system and the positioning of mental health within that is reasonably complex; however, its basis is quite straightforward. As the Minister for Mental Health and Substance Abuse, I have responsibilities under the appropriate legislation: the Controlled Substances Act; the Drugs Act; the Mental Health Act, etc. The chief executive officer responsible for the Mental Health Unit, Mr John Brayley, administers the coordination of policy across our mental health system.

I have spoken at length before in this chamber about the partnership and the complementary roles between myself as mental health minister and the Social Inclusion Board and its reference on mental health and association with the social inclusion minister.

NATURAL RESOURCE MANAGEMENT

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question on natural resource management issues.

Leave granted.

The Hon. R.P. WORTLEY: Everyone uses and relies on our natural resources and if we are to continue to do so we must ensure that they are properly managed. Scientific research has improved our understanding of the landscape and natural systems and has helped us to develop better ways of overcoming problems. For instance, South Australia is well known for developments in using underground aquifers to store water for later use, helping us make the best of our scarce water resources. In particular, I understand that this method has considerable potential for storing urban stormwater run-off and treated waste water.

The information gained from our research needs to be readily accessible and understandable, and connect with the vast knowledge that already exists within the community. It is also valuable to have a coordinated approach to developing

natural resource management research and to address social, economic and environmental needs. My question to the minister is: what is the government doing to improve our knowledge of natural resource management systems and issues?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his question and for his ongoing interest in this particular policy area. We can always seek to improve our knowledge of how our natural systems work so that we can make the best possible decisions about managing our natural resources. The Centre for Natural Resource Management with its Investment Advisory Board was formally established in 2003 to develop and maintain partnerships with natural resource management boards, scientists and researchers, business and industry so that integrated natural resource management across South Australia is based on world-class research and development.

A primary role of the centre's board is to create more sustainable environments through the development of new technologies and industries which benefit the environment and are economically sustainable. The board brings together all stakeholders with an interest in natural resource management research and development, including the South Australian and Australian governments, private and public researchers, NRM boards, academic and technical experts, and business and industry.

The board provides recommendations regarding funding through the National Action Plan for Salinity and Water Quality. To date, 19 research and development projects in South Australia have received funding totalling more than $6 million through the National Action Plan. Many of these are near completion and have contributed to significant advances in our knowledge. In addition, $4.5 million of the National Action Plan funding for a further 16 research and development projects was recently approved. These projects will help us to find better ways to manage salinity and other water quality issues. For instance, one of these projects aims to provide a clear understanding of the sources of nutrients and their pathways through surface and groundwater. The project aims to assess the influence of soil conditions, slope, climatic conditions and vegetation cover on the movement of nutrients. This information will help to identify practical solutions—

The Hon. CAROLINE SCHAEFER: I rise on a point of order, Mr President. The normal procedure in this council is that, at the expiry of the time for questions, the minister seeks permission to finish her answer.

The PRESIDENT: Order! That rule applies only to when the question is being asked, not when the question is being answered by the minister.

The Hon. G.E. GAGO: They are wrong again, Mr President. They are very flimsy on their facts today—they are having a bad day. This information will help to identify practical solutions such as how to improve on-ground works aimed at pollution mitigation. An amount of $270 000 has been approved for this project which will be conducted by the CSIRO. The Australian government has advised the Centre for Natural Resource Management that South Australia is leading the way nationally in terms of the National Action Plan for Salinity and Water Quality Research and Development through this innovative engagement process.

MODBURY HOSPITAL

The Hon. G.E. GAGO (Minister for Environment and Conservation): I lay on the table a ministerial statement from the Hon. John Hill in another place in relation to the Modbury Hospital.

SUPPLY BILL

Received from the House of Assembly and read a first time.

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

That this bill be now read a second time.

This year the government will introduce the 2006-07 budget on 21 September 2005. A Supply Bill will be necessary for the first few months of the 2005-06 financial year until the budget has passed through the parliamentary stages and received assent. In the absence of special arrangements in the form of the supply acts, there would be no parliamentary authority for the expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill. The amount being sought under this bill is $3 100 million. Clause 1 is formal, clause 2 provides relevant definitions, and clause 3 provides for the appropriation of up to $3 100 million.

The Hon. R.I. LUCAS secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (THROWING OBJECTS AT MOVING VEHICLES) AMENDMENT BILL

Received from the House of Assembly and read a first time.

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 pledge in these terms:

> New legislation will be created to target rock throwers. It will be an offence to throw a missile at a moving vehicle. The offence will attract a maximum penalty of five years' imprisonment.

There can be no doubt that throwing hard missiles at moving vehicles, particularly rapidly moving vehicles, is a most dangerous activity and should be met with a serious criminal offence. In recent times, there have been two manifestations of it. Notoriously, some undetected offender or offenders threw large rocks at vehicles travelling at speed on the Southern Expressway. Detected offenders, often children, have been caught from time to time throwing hard objects at buses on the O-Bahn from bridges under which the buses travel at speed. In both cases, serious injury or extreme danger has resulted. This kind of behaviour must be met with the full rigour of the law. The purpose of this Bill is to propose a criminal offence which will help to ensure that is so, and to fulfil the Labor election policy.

The criminalisation of acts of endangerment is not new. The general and most serious offences are to be found in s 29 of the *Criminal Law Consolidation Act*. These offences may also apply when the life of the victim has been endangered or an offence results in death. The applicable maximum penalties for this sequence of

general endangerment offences (graded according to the harm that ensues) are, respectively, 15 years' imprisonment, 10 years' imprisonment and 5 years' imprisonment.

In addition, s 51 of the *Summary Offences Act* provides specifically:

> (1) A person who discharges a firearm or throws a stone or other missile, without reasonable cause and so as to injure, annoy or frighten, or be likely to injure, annoy or frighten, any person, or so as to damage, or be likely to damage, any property, is guilty of an offence.
>
> Maximum penalty: $10 000 or imprisonment for 2 years.
>
> (2) In this section—
>
> ***firearm*** means a gun or device, including an airgun, from or by which any kind of shot, bullet or missile can be discharged;
>
> ***throw*** includes to discharge or project by means of any mechanism or device.

It seems clear, then, that what is contemplated by the new policy is a specific endangerment offence at the bottom end of the endangerment range, but without proof of danger (it being obvious that throwing rocks at a moving vehicle is dangerous). The *Summary Offences Act* offence is too general for the purpose and aggravating it to five years is not a good legislative technique, for it would straddle the summary offences in the *Summary Offences Act* and the indictable offences in the *Criminal Law Consolidation Act*.

Therefore, it is proposed that the *Criminal Law Consolidation Act* be amended to include a new offence of throwing a rock, stone, piece of concrete, brick or other hard missile of that kind (but not, say, eggs, tomatoes and other fruit) at a moving vehicle. Where the missile involved is not one of the list, it must be of such a kind that the throwing of it at any moving motor vehicle poses such a significant danger to the occupant(s) of the vehicle or the public that punishment for this offence is warranted. The verb "throwing" connotes an intentional act. It would also mean that, for example, the spray of gravel or pebbles that sometimes arises from dirt roads or dirt shoulders of sealed roads in the course of driving would not be covered—that can hardly be said to be thrown. The offence should be punishable by a maximum of five years imprisonment.

It has been decided not to put the list of things in the Bill. Such a list would be unwieldy and hard to amend to suit any passing fashion of stupidity. Instead, the list will be prescribed by regulation. Such a method makes for ease of making and ease of amendment.

There is a further problem to be addressed. The creation of this offence should not be allowed to load up the charge sheet with one more offence. It should be properly targeted. Therefore, it will be an alternative offence to the general reckless endangerment offences as well as more serious offences of causing harm which may occur as a result of the throwing incident. In that way, it will fill the gap as a middle range offence as intended while minimising the load on the courts and the charging system.

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 *Criminal Law Consolidation Act 1935*

4—Amendment of section 21—Harm

Division 7A (Causing physical or mental harm) was inserted into the *Criminal Law Consolidation Act 1935* (the ***principal Act***) by section 10 of the *Statutes Amendment and Repeal (Aggravated Offences) Act 2005*. It provides for the interpretation of words and phrases used in that Division. The proposed amendment to the definition of ***lesser offence*** will mean that, if a person is charged with an offence against Division 7A, a verdict of guilt of an offence against section 32A may be available in the circumstances provided for in section 25 (Alternative verdicts) depending on the evidence in the matter.

5—Insertion of Part 3 Division 7B

It is proposed to insert Division 7B after section 32 of the principal Act.

Division 7B—Throwing objects at moving vehicles

32A—Throwing objects at moving vehicles

New subsection (1) provides that a person will be guilty of an offence punishable by imprisonment for 5 years if a person throws a prescribed object, or drops a prescribed object, on a moving vehicle.

A prescribed object is defined to mean an object of a class prescribed by the regulations for the purposes of this proposed section.

32B—Alternative verdicts

If at the trial of a person for murder or manslaughter the jury is not satisfied that the accused is guilty of the offence charged but is satisfied that the accused is guilty of the offence constituted by proposed section 32A, the jury may bring in a verdict that the accused is guilty of that offence.

The Hon. R.I. LUCAS secured the adjournment of the debate.

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE (MISCELLANEOUS) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. G.E. GAGO (Minister for Environment and Conservation): 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.

The Institute of Medical and Veterinary Science (IMVS) began in 1938 as a development of the Royal Adelaide Hospital (RAH) laboratories. The man who drove the establishment was Sir Trent Champion de Crespigny an eminent physician and Medical Superintendent of the RAH and Dean of Medicine from 1929 to 1947. He had a vision of an institute which combined laboratory services, teaching and research. It is this integrated approach which has continued to distinguish the IMVS from pure research institutes and is a model which has withstood the test of time.

Since its establishment, the IMVS has been involved in the provision of services to other Australian States and the international community. This has enabled the Institute to develop an enviable reputation both nationally and internationally. Currently pathology services are provided to the Northern Territory and some parts of Victoria. Following the recent tsunami, assistance was provided to Aceh Province in establishing pathology laboratories. For over two decades, the TB Reference Laboratory at the IMVS has worked with the World Health Organisation to provide microbiology services for tuberculosis in Indonesia. The provision of services interstate and overseas has therefore been a routine part of the Institute's activities for over 60 years.

It has, however, recently been brought to the Government's attention following advice from the Crown Solicitor that the *Institute of Medical and Veterinary Science Act 1982* does not provide the legal authority for the IMVS to provide its services outside of South Australia. The Bill will correct this anomaly and will ensure that any risk is removed in relation to the IMVS meeting its contractual arrangements in providing pathology and other services outside South Australia.

This Bill includes a second amendment to align the Act with changes in the structure of the health system in South Australia. Currently, section 7 of the Act specifies the membership of the IMVS council and states that two members shall be nominated by the Royal Adelaide Hospital. Following the regionalisation of the health system, the Central Northern Adelaide Health Service was incorporated under the *South Australian Health Commission Act 1976* and took over the functions of the Royal Adelaide Hospital. It is proposed that section 7 of the Act be amended to reflect the changed governance arrangements within the health system. The amendment to section 7 accurately reflects this change by referring to the body established under the *South Australian Health Commission Act* to provide health services at the Royal Adelaide Hospital.

I urge all members to support these amendments so that South Australia's pre-eminent medical research organisation can continue its outstanding work with full legal authority.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Institute of Medical and Veterinary Science Act 1982*

3—Amendment of section 7—The Council

The proposed amendment to paragraph (ii) of section 7(2)(a) is made to ensure that the body incorporated under the *South Australian Health Commission Act 1976* to provide health services at the Royal Adelaide Hospital is accurately referred to now that the Royal Adelaide Hospital is no longer incorporated under that Act.

4—Amendment of section 14—Functions and powers of the Institute

New subsection (2a) of section 14 enables the Institute of Medical and Veterinary Science and any company established by it pursuant to subsection (2)(ab) to operate within or outside the State.

The Hon. R.I. LUCAS secured the adjournment of the debate.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 10 May. Page 166.)

The Hon. P. HOLLOWAY (Minister for Police): It is, of course, traditional in this council that the Address in Reply is closed by the Leader of the Government. In doing so, I first congratulate all of the new members of the Legislative Council on their speech to this parliament. Indeed, I thank all members for their contribution, but particularly the seven new members. As I have pointed out before, that large number of seven new members is almost a third of the entire membership of the Legislative Council, which I think indicates how the composition of this chamber has changed a great deal in just the few months since we sat in the 50th parliament. I certainly hope that, over the course of the next four years, the new membership and the great variation we have in the views we have heard expressed in the maiden speech of members is reflected in a more productive 51st parliament than we had previously.

I think that all the new members spoke very eloquently and with commitment. Of course, a member's maiden speech is very important. It defines a member's views and commitment, and I guess it is the yardstick by which all of us are held to account in terms of what we achieve in our years here. I very much look forward to working with the new members. In view of the variety of opinions that have been expressed and in view of what we have already seen, it is going to be a very interesting four years.

During the Address in Reply, a number of issues were raised by members. It is not my intention to go though every issue that was raised during the Address in Reply. One of the issues that inevitably came out of the Address in Reply was the question of the future of the Legislative Council. That, of course, was one of the issues that Her Excellency the Governor stated in her speech as being part of the government's program for this year.

I point out to the council that the government has indicated that, at the time of the next election in four years, it intends to call a referendum, at which a number of issues will be addressed. The issues will be about the future of the Legislative Council, including options for either total abolition of the chamber or other reforms, such as the changes that have been mentioned. There are also other issues that we need to look at with respect to reform of the Legislative Council.

Not surprisingly, a number of members announced their opposition to that. However, the point I would like to make is that what the government is proposing is that, in four years, the people of this state should have the option to make that call. What we seem to be hearing from members opposite is that they know better than the people of this state. They seem to be suggesting that members of the public should be protected from themselves—that they should be protected from their own views—and that this council should prevent members of the public from being in the position where they can make a decision. There are really two issues. The first is whether we should conduct a referendum—whether it should be allowed to occur—whether the people of this state should be allowed to make the decision, or—

The Hon. R.I. Lucas: Intellectually bankrupt!

The Hon. P. HOLLOWAY: What is intellectually bankrupt is the attitude that the Leader of the Opposition—

The PRESIDENT: Order! Interjections are out of order.

The Hon. P. HOLLOWAY: —knows better than the public. I hope that members (and I direct this comment to the new members, in particular) will reflect on the operation of the Legislative Council over the coming years before they make a commitment with respect to the issue of reform of the upper house. I suggest that anyone who believes that the practices of the upper house as they now exist are optimal and that they are the best of all possible worlds is really kidding themselves.

Let us just reflect for a moment on the history of this upper house. The upper house was first established at the time of settlement here in 1836. However, when I first turned 18, I could not vote for a member of this council because it had a property franchise. Unless one was the owner of property, one could not even vote for anyone in this place. That situation applied until the early 1970s. Of course, the council underwent significant reform in the Dunstan years, and that has certainly greatly improved the democratic features of this state as they relate to the upper house. We need to look at how this council is functioning relative to other upper houses. One needs to look at the situation around this country and overseas to reflect on the performance of upper houses.

In my view, the upper house really has two strengths (it has a number of weaknesses but, essentially, it has two strengths). The principal advantage (and this was pointed out by the Leader of the Opposition) is that the upper house, through its delaying option, in terms of legislation, can allow greater deliberation with respect to legislation that is put before the council, and we have seen on occasions that that delay can sometimes lead to improved legislation.

The other advantage, I suppose, of having an upper house, particularly one constituted like this council, is that it allows, perhaps, a greater variety of membership than would the single member electorate type house that we have in the House of Assembly. However, against those advantages of having an upper house we also have the question of costs and the question of relevance. I think it was rather interesting that, during the course of this debate, many members have said that one thing they would lament in relation to the future of this parliament is that governments would have absolute power—in fact, there were some quite extravagant claims.

If one considers that a decision in the present case before the High Court concerning the industrial relations laws may go a certain way, one wonders exactly what powers state governments will have. The history of this country constitu-

tionally is that power has been shifting dramatically away from state governments towards the central government, that is, the government in Canberra. How ironic it is that at this time, when members opposite have been saying how dreadful it would be if we abolished the council because the Premier would have absolute power as they call it, in Canberra the coalition government controls the numbers in the Senate and has been able to push legislation through. I think that really does raise some interesting questions.

One could say many things about the future of the upper house. I make the point that all the government has said is that it will propose to give the people of this state the right to make a decision. It is not the government—

The Hon. R.I. Lucas: On all issues?

The Hon. P. HOLLOWAY: We will give the public of South Australia the right to make a decision on that issue in four years. That is essentially the proposal—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: How extraordinary it is to hear that it is intellectually bankrupt to let the people have a say on the future of this council. How extraordinary! No doubt, as I have said, the Leader of the Opposition will seek to save us from ourselves. He knows better than the people. We were talking about the history of this Legislative Council. I can remember when Mr Ren DeGaris was leader of the opposition and he used to talk about the permanent will of the people: this council was the permanent will of the people; it had some higher value; it knew better than the people. Really, things have not changed—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: He was the leader of the Liberal Party, and he used to talk about the permanent will of the people—nothing much has changed. All the government is saying is that the people of this state should be allowed the opportunity to make the decision. That is not the only change that one could consider. I would have thought it an absurd proposition to suggest that this is the best of all possible parliaments. This government will be seeking to ensure that the Legislative Council works as well as it possibly can over the next four years. We are saying that in four years, in our view, the people should make a decision but, as long as this Legislative Council exists, we should make it work properly—

The Hon. J.S.L. Dawkins interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: One of the things we should do to make it work properly is perhaps let people have a point of view, rather than have them shouted down, as members opposite seem to be doing. We believe that the people should be allowed—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —to make a decision. I do not think that members opposite really believe in democracy. In the next four years, I and members of the government will be doing everything we can to work with this council to ensure that the virtues of the upper house to which I have referred come through. As I have said, one of the principal virtues of the council is that it can, through careful consideration of legislation, make improvements. One of the arguments that the Leader of the Opposition has used in relation to his statements on the upper house is that not much legislation has been rejected: I think the figure he is using is 98 per cent. What the Leader of the Opposition fails to acknowledge is some of the problems that have been created through certain amendments that have been made in the upper house in terms of their cost to government.

Let me just give one example which happened quite recently in the last parliament. This was in May 2005 in relation to the Statutes Amendment (Liquor, Gambling and Security Industries) Bill. The bill was ultimately carried, but one of the amendments that the opposition put on the government related to fingerprinting security agents. As a result of that, the government—

The Hon. Nick Xenophon: That was mine.

The Hon. P. HOLLOWAY: Yes, that is right; it was. As a result of that, two extra police officers had to be diverted from the beat for two years (which was the estimate I gave at the time on the advice I was given) to give effect to that particular issue. I said at the time:

> If members think that the exercise of fingerprinting people for two years is a good use of two police officers, that is, better than having them on the beat dealing with other crime, then vote for this amendment. However, if they do, they should not come back here and accuse the Rann Government of improperly using police resources and, if you do, I will enjoy giving the answer.

Here is the very individual in question, the Leader of the Opposition, saying that we should use police resources somewhere else. He forgets that he supported an amendment to provide that parliament dictate where police resources shall go into one particular area. That is one small example of where tens of millions of dollars of taxpayers' money has had to be diverted into areas as a result of particular amendments of that nature. That is just one small example of the millions of dollars that can go—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! The opposition will come to order.

The Hon. P. HOLLOWAY: That part of the debate on the future of this parliament has never come out. Part of the reason the results have been such in the upper house over the past 20 years is that essentially over that period I do not believe either of the major parties have really campaigned in relation to upper house elections. Elections have always been about government in the lower house and essentially resources have been devoted to the election of government. So, it is inevitable that as a result the membership of the council is as broad in terms of minor party representation as it is, because essentially the debate for the upper house has been a debate between Nick Xenophon, Family First, the Democrats and others. The major parties were fighting the election to see who would govern the state, whereas during the campaign any mention we had of the upper house was always between the parties seeking representation under the proportional composition of the council. It is scarcely surprising that the outcome was as it was. It is a bit disingenuous for members to use that outcome to say that therefore people endorse—

The Hon. J.M.A. Lensink interjecting:

The Hon. P. HOLLOWAY: It must be accurate because it is causing a response from honourable members opposite. Members do not want to give the people of South Australia an option. They are saying that because it is so comfy in here we should not look at making this parliament better. For the next four years it is important that this council should function as well as it possibly can in terms of being accountable to the people of South Australia. I make the point I made on the committees, that the last thing this council needs, the thing that will convince the people of South Australia that this

council should go, is for anyone to follow the Leader of the Opposition in going off on this spurious sort of goose chase, as he has done.

If people support the Leader of the Opposition's attempts to misuse the powers of this chamber, ultimately it will be he who will be held accountable more than anyone else. There was already some sign of that at the last election when the Liberal Party received just three of the 11 seats in this place. If it continues that way, that is the future for them in whatever house they are represented.

The Hon. R.I. Lucas: Arrogance!

The Hon. P. HOLLOWAY: What could be more arrogant than to say that the people of this state should not be able to choose their future for themselves? I congratulate all seven members of the parliament who were newly elected here: my colleagues in the Labor Party, the Hons Russell Wortley, Ian Hunter and Bernard Finnigan, who I am sure will make an enormous contribution to this council over the coming years. I congratulate the Hons Dennis Hood, Ann Bressington, Mark Parnell and Stephen Wade on their contributions. All spoke eloquently and I look forward to working constructively with them over the four years of this parliament. With those words, it is with great pleasure that I support the motion.

Motion carried.

FESTIVAL OF LIGHT

The Hon. A.M. BRESSINGTON: I seek leave to make a personal explanation.

Leave granted.

The Hon. A.M. BRESSINGTON: I would like to clarify a statement made yesterday by the Hon. Sandra Kanck regarding my involvement with the Festival of Light. I have never been, am not presently, and have no intention for the future of being a member of this organisation. Approximately five years ago, I gave evidence to a federal parliamentary select committee on substance abuse and the effects on the community. The committee made an error in time allocation and members of the Festival of Light and I (representing Drug Beat SA) had to share the time allocated for those statements. I hope the honourable member will see fit to apologise for her wrong assertion in her Address in Reply yesterday.

Also, the honourable member said that I would not declare tobacco as evil, because I am a partaker of that particular substance. I cannot defend my addiction to nicotine because the medical and scientific evidence proves the harm of this legal drug. I would not wish to be seen as excusing or approving the use of this harmful substance in any way.

ADDRESS IN REPLY

The PRESIDENT: I have to inform the council that Her Excellency the Governor has appointed 4 p.m. today as the time for the presentation of the Address in Reply to Her Excellency's opening speech. I ask all honourable members to accompany me to Government House.

[Sitting suspended from 3.46 to 4.35 p.m.]

The PRESIDENT: I have to inform the council that, accompanied by the mover, seconder and honourable members, I proceeded to Government House and there presented to Her Excellency the Address in Reply to Her Excellency's opening speech adopted by this council today, to which Her Excellency was pleased to make the following reply:

> Thank you for the Address in Reply to the speech with which I opened the first session of the Fifty-First Parliament. I am confident that you will give your best consideration to all matters placed before you. I pray for God's blessing upon your deliberations.

RIVER TORRENS LINEAR PARK BILL

Adjourned debate on second reading.

(Continued from 2 May. Page 39.)

The Hon. A.L. EVANS: I rise to support the second reading of the bill, which seeks to acknowledge the Linear Park as being open space of national significance; that the park continue to be, for generations to come, available for the use and enjoyment of the general public. More importantly, the bill seeks to amend the law such that the land within the park may not be sold by the government without the approval of both houses of parliament.

My constituents support conservation protection of our environment as a paramount concern. Family First is committed to the environment in that it is essential to ensuring the health and happiness of future generations of families. Family First believes that the use and enjoyment of our natural resources should be achieved in the context of conservation and protection so far as is possible.

The Linear Park is a highlight of the Adelaide metropolitan area so far as open space is concerned. It runs along the River Torrens from the top of Athelstone, through the centre of the city, and all the way to Henley Beach. It provides a spectacular retreat for families within the metropolitan area, for activities such as weekend family picnics and barbecues, social gatherings and regular exercise. The park has a well organised bike track. The park boasts several playgrounds for children. It also provides an oasis for city workers during their busy week. The park also provides a valuable habitat for many bird species together with a variety of trees and shrubs.

As I understand it, nearly all the land located near the River Torrens is now in the ownership of either the state government or local government. The bill proposes to make the General Registry Office Plan, comprising the boundaries of the linear park (which I shall, from now on, refer to as the GRO Plan), subject to the provisions of this proposed piece of legislation.

Clause 5 of the bill requires the agreement of both houses of parliament for the sale of land with a GRO plan. Clause 4 states that the minister can amend the GRO plan only after having given written notice to relevant councils and consideration to any submissions made by such councils. In addition, in situations where land has been removed from the GRO plan, the minister must obtain agreement from both houses of parliament. Clauses 6 and 7 give the minister power to vary the GRO plan in circumstances where it is necessary to ensure consistency with road processes under the Roads (Opening and Closing) Act 1991 or any other act of parliament. Accordingly, whilst parliament must have to agree to the sale of the land within the GRO plan, parliament's agreement would not be required for the minister to amend the GRO plan and then subsequently sell the land in two scenarios referred to in clauses 6 and 7.

I have some concerns regarding the potential scenario under which the government can reduce the area comprising Linear Park. That is a matter which I will continue to

consider and about which I will also canvass opinions prior to the bill's progressing to the next stage. However, at this point I support the second reading of the bill.

The Hon. SANDRA KANCK: This issue blew up in May 2004. I have gone back and checked my records for the media release I put out at the time. Under the heading 'Linear Park must be returned to public ownership', I stated that I believed the land that was in contention at that time had to be acquired under the Land Acquisition Act. I note that, in the explanation we have been given for this bill, that power is encompassed in this bill, which I hope will be enacted fairly soon. I think it is important to recognise that this land along the Torrens is used by cyclists, runners, walkers and people taking their dogs out for exercise and, as far as the Democrats are concerned, it must be held in perpetuity for the people of South Australia. Like the Hon. Andrew Evans, I think there are a few minor problems associated with this bill. It states that the land cannot be sold unless both houses of parliament agree, and one would think that that would be a very difficult agreement to reach.

The Hon. R.I. Lucas: That's why they want to get rid of the Legislative Council.

The Hon. SANDRA KANCK: I will pay that interjection from the Hon. Mr Lucas. Provided that we have reasonable checks and balances, we should not fear for the future provision of this land as open space. If the upper house were to be abolished, it would become very easy for government to sell off the land to make a quick profit out of it at some time in the future. So, it is a very good argument for keeping the Legislative Council. I indicate the Democrats' support for the second reading.

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

CRIMINAL LAW CONSOLIDATION (DANGEROUS DRIVING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 May. Page 41.)

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the second reading of this bill. I understand that the catalyst for the legislation we see before us was a statement made by Police Commissioner Mal Hyde in November last year. As *The Advertiser* of the time portrayed it, a frustrated Commissioner Mal Hyde indicated that he wanted new laws with harsh penalties to combat drivers who deliberately engaged patrols in high speed road chases. In the article, the Police Commissioner highlighted that police figures had revealed that there was a high speed chase almost every night, putting both the public and the police at risk, with 313 logged in the first nine months of this year—I am assuming that is the calendar year 2005.

Further on in the article, the Police Commissioner quotes that between 1 July and 6 November 2005 there were 140 high speed pursuits with targets in Operation Mandrake, a police initiative focussing on offenders who steal cars and commit robberies. The Police Commissioner highlighted that in many cases Mandrake targets were repeat juvenile offenders who deliberately engaged police in high speed pursuits, using stolen cars while under the influence of drugs. The issue of juveniles and the appropriate penalties that apply to them, particularly juveniles who do not have a licence and are driving without a licence, is one of the issues that will need to be explored in committee.

I indicate at the outset that, in speaking on behalf of the Liberal Party in support of the second reading, the shadow attorney-general (the member for Heysen, Isobel Redmond), who will have carriage of the bill, is still involved in consultation with interested parties. The final decision of the Liberal Party will be determined in the two-week period before parliament sits again. Whilst we support the second reading, we reserve our position in relation to whether there is a need to improve the legislation in any way through amendment.

As I have said, the original articles appeared in November 2005. In the period leading up to the election campaign, the Labor Party made an election promise to introduce legislation to make it a criminal offence for people to engage in high speed or dangerous police chases. Those convicted will face a mandatory loss of licence for two years and maximum imprisonment of five years. On the introduction of this bill, the minister indicated in the second reading explanation that this bill was implementing the commitment the government had given prior to the last election. To be fair to the government, it would appear, at least on the surface, to indeed be doing that.

The second reading explanation in support of the legislation highlighted that a range of offences already cover the field, if I can put it that way. I suspect that my colleague the Hon. Robert Lawson, if not in the second reading then more eloquently during the committee stage, will be able to put more meat on that particular bone of argument. The second reading explanation does argue that there are a range of offences at what the government calls the more minor traffic offence end under the Road Traffic Act. A person engaging in a dangerous vehicle chase with police will necessarily commit more minor offences under the Road Traffic Act, the most obvious being failure to stop and reckless and dangerous driving.

The second reading explanation then states that, at the other end of the continuum, there are general and more serious offences to be found in section 29 of the Criminal Law Consolidation Act, such as acts recklessly, endangers life, serious harm and mere harm. The second reading explanation goes on to highlight that the maximum penalties range from five to 15 years imprisonment.

The second reading explanation also highlights another area of possible offences where, if the police chase leads to damage to personal property, the government argues that there is a vast range of possible offences which may have been committed. These include manslaughter, dangerous driving causing death or harm, one or more of the harm offences that will come into effect when the Statutes Amendment and Repeal (Aggravated Offences) Act 2005 is proclaimed, and, if appropriate, obvious property damage offences. As the second reading explanation summarises 'there is no shortage of criminal law coverage here. . . '

However, the government's argument is that there is a gap or a niche that this proposed bill will fill. Again, using the government's words, it states:

> . . . [if you] set aside the cases in which damage of one kind or another is caused (and there is therefore a range of appropriate offences) and concentrate on cases in which no damage is caused, and the aim of the criminal law is on the fact of the chase itself, it can be seen that there are serious offences of general endangerment and very minor traffic offences of failure to stop and reckless driving. Therefore, we need an intermediate offence of dangerous driving with the intention of avoiding or preventing apprehension by the police. If the penalties are viewed as a hierarchy it would send the

right message—if mere dangerous driving is two years, the basic offence of dangerous driving with intent to avoid apprehension is set at three years, rising to five years if there are aggravating factors. In any event, a mandatory two-year licence disqualification seems appropriate.

The second reading explanation highlights the proposed aggravating factors, which include:

- that a vehicle has been stolen or is being illegally used and the defendant knew that to be so; or
- that the defendant was driving the motor vehicle whilst disqualified or whilst suspended under the Road Traffic Act and the defendant knew that to be so; or
- that the defendant was driving with a blood alcohol content over 0.15; or
- that the defendant was simultaneously committing the offence of driving whilst so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the vehicle.

As I said at the outset, one of the questions for which we will seek answers from the government, either at the reply to the second reading or in the committee stage, is what the position will be for the many examples of very young offenders—in many cases significantly under the age of 18. I think there have been a number of examples, reported in the media at least, of young people from the ages of 10 through to 13 being caught in this, and clearly not having a licence. What will be the implications of this legislation, if any, in relation to those offenders?

The other issue to which we will apply our minds—and I guess it will be an issue for other members as well—is the fact that this legislation does not actually introduce the changes to the law requested by the Police Commissioner. I refer to a statement that I assume was made exclusively to *The Advertiser* by Police Commissioner Hyde on 15 November. The first paragraph reads:

> A frustrated Police Commissioner Mal Hyde wants new laws with harsh penalties—including mandatory jail sentences for repeat offenders—to combat drivers who deliberately engage patrols in high-speed road chases.

The government is being clear in its support of this legislation by saying things such as (and I quote from the press release issued by the Minister for Police on 2 May this year):

> Mr Holloway says the legislation follows the Police Commissioner's call for a specific offence to deal with this high-risk criminal behaviour.

He also says that the government is happy to support the Commissioner's request with these tough new penalties. Certainly, the impression most people would get from that is that this was entirely as requested by the Police Commissioner. Given the Police Commissioner's reported statements, I am sure he would support the bill as far as it goes, but the public position of the frustrated Police Commissioner was that he wanted much harsher penalties. He wanted, as I said, mandatory gaol sentences for repeat offenders.

The question we put to the government is: did the government consider and reject the Police Commissioner's calls? In particular, my question to the Minister for Police is: did he discuss the Police Commissioner's request for mandatory gaol sentences for repeat offenders and, if he did, why did he not agree with the Police Commissioner's views in relation to what he judged to be the required toughness of penalties to make this law work effectively? Members are also entitled to know through the Minister for Police, as he obviously is the appropriate minister in this case—

The Hon. P. Holloway: The Attorney-General actually.

The Hon. R.I. LUCAS: You introduced the bill and it was your public statement, so we assumed you had taken charge. Anyway, you are the appropriate minister in terms of discussions with the Police Commissioner. Members are entitled to know whether or not the Police Commissioner believes that, without the provisions that he wanted—that is, mandatory gaol sentences for repeat offenders—these laws will be as effective as they are being claimed to be by the government. I suspect that obviously this is a matter of some interest for Family First. They have indicated publicly on a number of occasions their policy in relation to mandatory minimum sentences. Again this legislation refers to maximum penalties and, as they and many others know, the issue of maximum penalties as opposed to mandatory minimum penalties is a controversial issue.

There is much criticism of the fact that maximum penalties are very rarely utilised by the courts, and I suspect that is the reason why Family First has loudly and strongly proclaimed their support for the position. They would appear to have the support of the Police Commissioner in relation to mandatory gaol sentences for repeat offenders. I have to say that, within our party, we are a pretty broad church when it comes to mandatory minimum penalties. We do not have a blanket acceptance. In relation to a number of areas, we have accepted the inclusion of mandatory minimum penalties in the legislative changes we either moved or promised to move were we elected to government, but we certainly have not supported it across the board. It will be an issue for debate with the shadow attorney-general and our party room over the coming couple of weeks.

As I said, that issue and others are the reasons why we are happy to proceed with the second reading debate today to outline our general principle of support for the legislation as far as it goes, subject to looking at the detail, but nevertheless wanting to confirm that the concerns expressed by the Police Commissioner have been satisfactorily resolved in this alternative way as proposed by the government. I also think that we as a community ought to pursue the issue I raised earlier; that is, what impact, if any, this will have on very young offenders, who quite frequently are the ones involved in these sorts of high speed road chases.

To that end, it would be worth while if the Minister for Police could ascertain from the Police Commissioner whether there is any age profile breakdown of the 313 cases, any other sample of cases that the Police Commissioner has or any other information that could be provided to the committee of the Legislative Council that would throw a greater light on the nature of the persons who make up the majority of the 313 examples about which the Police Commissioner was talking throughout the majority of 2005. With that, I conclude my contribution, indicating that we support the second reading and we will be prepared to continue the debate at the committee stage when the parliament resumes in two weeks or so.

The Hon. D.G.E. HOOD: I rise to support the second reading. In essence, Family First, in principle at least, supports the legislation. However, I guess that a lot of what I am about to say has really been pre-empted by the Hon. Mr Lucas in that we share some of the concerns he raises with respect to the introduction of maximum penalties rather than minimum sentences, although we applaud that some effort has been made to do that in this legislation.

It is the position of Family First that in many cases within the criminal justice system currently the application of maxi-

mum sentencing is largely irrelevant, because very infrequently are those maximum penalties applied. As such, as a general rule with respect to criminal matters, we would like to see minimum as well as maximum sentences recommended for various offences. So, that would be the overriding comment prior to my highlighting a few specific events which have occurred and which I think will bring home to the chamber the significance of these issues.

I will give a few examples to highlight the point I make. A very famous high-speed car chase involving police and a couple of offenders occurred here in 2003. It involved a man and woman from Western Australia and, such was the spectacular nature of the chase, it made international headlines. The ABC news summary, published on 15 July this year, states:

> A 29 year old Western Australia man, who led police on a wild and dangerous car chase through the Barossa Valley two years ago, has been gaoled by the District Court in Adelaide.
>
> The man bashed two people to steal their cars and then rammed numerous police vehicles during the chase.

The judge chronicled the violent events of 24 July 2003. The article continues:

> . . . he repeated the observation by one of the police officers involved in the chase that it was unbelievable that no lives were lost.
>
> [The male offender] was high on amphetamines at the time and in breach of his Western Australian parole at the time and used cars that he stole as weapons against the police. . . His co-offender. . . threw whatever she could find in the car at police. . .

as the police cars were moving. Effectively, what she was throwing became missiles travelling at very high speed as the police drove head-on into these missiles, obviously threatening their lives. The judge went on to say that many on that night thought their lives were in serious jeopardy and grave danger. As a result of all this, the male offender received a head sentence of six years, with a 4½-year non parole period, and the female offender will serve 2½ years before her release.

In the matter of R v Waugh, when sentencing the accused in a similar case, the judge stated:

> On 23 May 2004, the appellant engaged in a course of conduct involving theft and the illegal use of or interference with motor vehicles. When the police moved to apprehend him, the appellant sought to elude them by driving off at high speed. This led to a protracted high-speed chase through several suburbs of Adelaide before the vehicle driven by the appellant collided with another and came to a halt. The appellant then sought to evade the police on foot.

On 3 July 2005, the AAP reported that the preceding day SA Police had, at about 10 p.m., pursued for several minutes a blue sedan in the streets of Kilburn by one police patrol, then later by another patrol in Mansfield Park. A police spokesman said:

> Both of these pursuits were terminated by police due to the high speed and the reckless manner of driving.

At 10 a.m. the following day, South Australia Police pursued a stolen maroon-coloured sedan along South Road at Angle Park but were unable to stop the vehicle. I note that, in November 2005, the Police Commissioner stated that some 300 high-speed chases had occurred in the previous nine months—more than one a day. The Attorney-General in the other place referred to the same when debating this bill. On 10 May 2006, *The Advertiser* reported an incident that occurred the previous evening in Adelaide's north, just a few days ago. The article states:

> Police have shot an armed man on a busy main road after a high speed pursuit through Adelaide's north yesterday. Assistant Commissioner Grant Stevens said the man fled a Salisbury East address in a white Holden sedan after police attempted to arrest him for serious offences at approximately 4 p.m. He was pursued and took evasive action to avoid police, he said. Police chased the car along Bridge Road at Para Hills. When the driver lost control and hit the median strip, the man, armed with a shotgun, got out of the car and attempted to hijack a bus filled with passengers. After failing that, he confronted an elderly couple in a grey/blue sedan smashing one of their windows before they could flee. During the chase an unmarked police car was rammed but the police officers were uninjured.

Thank goodness. Family First believes that its constituents have absolutely no tolerance for this behaviour. It might be said that often it is young people involved in these chases (as highlighted by the Hon. Mr Lucas) and that their personal circumstances warrant considerable work in rehabilitation—certainly, we would agree with that—nonetheless, the community is entitled to expect that this behaviour be punished severely as a deterrent.

Also, as a semi-related matter, I express a concern about video games, such as *Driver 2* and *Grand Theft Auto*, which are played by many young people today. Those games portray exactly the behaviour the government is legislating against. The latter game, for instance, permits the driver to drive on the footpath, run over pedestrians and crash into other vehicles. Indeed, I am told that the strategy of the game is to get out of the vehicle before it explodes, which highlights exactly this sort of behaviour. I believe there would be great merit in conducting a study to identify any linkage between this particular offending and the playing of such video games. Examples exist in the United States of offenders telling police (or otherwise admitting) that such computer games influenced their behaviour in this regard.

I cringe to think of the innocent motorists, cyclists, pedestrians and innocent bystanders who might be a victim of this utterly reckless behaviour. It is a very serious matter. Whilst driving home one evening a number of years ago I was involved in a near miss as a result of a high-speed chase in which police were involved. I can assure members that it is a very frightening event. The more we can do as a parliament to eradicate it from our streets the better. Family First supports the second reading of the bill.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

ADJOURNMENT

At 5.08 p.m. the council adjourned until Tuesday 30 May at 2.15 p.m.