HOUSE OF ASSEMBLY

Wednesday 4 May 2011

The SPEAKER (Hon. L.R. Breuer) took the chair at 11:01 and read prayers.

PUBLIC WORKS COMMITTEE: MURRAY FUTURES RIVERINE RECOVERY PROJECT

Mrs VLAHOS (Taylor) (11:04): I move:

That the 397th report of the committee, entitled Murray Futures Riverine Recovery Project—Critical On-Ground Works, be noted.

Mr WHETSTONE (Chaffey) (11:04): I would like to just emphasise a few concerns that I have about the riverine recovery project, which has taken forever to go through the Public Works Committee. I had concerns and I came in and gave some evidence to the committee prior to Christmas 2010 with concerns that, with the rehabilitation of these three projects—obviously the Yatco Lagoon, the Katfish Reach fishways and the Pike River flood plain—some water is going to have to be given back to the federal government for the cost of these projects, and I have not been given an answer as to exactly where the water is coming from.

I have asked, when giving evidence, just where it was coming from and I do not feel as though I got a satisfactory answer. Again, I ask the question. It needs to be disclosed exactly where the 15 gigalitres of water that is the trade-off for the funding for these three projects is coming from. My fear is that that 15 gigalitres of water will come from South Australia's diversion pool and I am very concerned that, if it is not disclosed exactly where it is coming from, irrigators will bear the burden.

Again, I am very happy to see that this project had a swift passage with its construction. These three projects are very credible projects in the electorate of Chaffey. The Yatco Lagoon, particularly, has a huge amount of evaporation, and they are going to pipe water to properties to reduce the evaporation. The native fish program at Katfish Reach is a credible project and the rehabilitation of the Pike River flood plain needs help. It has been degraded over a number of years, and the artificial watering of some of that flood plain is very much needed.

Motion carried.

PUBLIC WORKS COMMITTEE: REYNELLA EAST CHILD PARENT CENTRE TO YEAR 12 SCHOOL CONSOLIDATION

Mrs VLAHOS (Taylor) (11:07): I move:

That the 403rd report of the committee, entitled Reynella East Child Parent Centre to Year 12 School Consolidation, be noted.

The Hon. R.B. SUCH (Fisher) (11:08): I will make some brief comments. This is in my electorate, but the title of the report does not really convey the real dimensions of this project or of the centre. This encompasses what was Reynella East high school, the primary school, junior primary and the preschool child parent centre. It is a very large campus; in fact, I think it is the largest in the state, population-wise, with something like 1,600 young people are on site, so it is a very big educational centre.

The name has now been changed from 'high school' to 'college', and it is now Reynella East College. It is an excellent campus, and there is a waiting list of young people who want to go to the college. To the credit of the school and, in particular, the principal, Rob Mutton, who is an excellent principal, the technical offerings have been elevated to the extent that, as I say, there is a waiting list of young people who want to go there.

This project was initiated during the time of the Hon. Jane Lomax-Smith when she was minister for education. I am delighted that we are now about to have the on-site works undertaken. It is quite a significant project, in cost and dimensions, and I am delighted that we are finally seeing it come to fruition. As I say, the high school as it was (now the Reynella East College), the junior primary and child-parent centre are a credit to all the staff involved and the parents, who are very active in guiding that educational facility. I welcome this motion and offer it my full support.

Motion carried.

SPEED CAMERAS

Adjourned debate on motion of Mr Venning:

That this house establishes a select committee to examine the effectiveness of speed cameras and other speed measuring devices used by South Australia Police.

(Continued from 6 April 2011.)

Mr PEDERICK (Hammond) (11:10): I rise to support the motion by the member for Schubert to establish a select committee on speed detection devices. It is interesting to note that the Rann Labor government has indicated it wants to raise an extra almost $45 million from speeding fines over the next three years, which indicates that it has used speed cameras as a source of revenue and not a road safety device.

There certainly has been plenty of discussion about where speed cameras are located. I note some discussion on the radio this morning about the camera on King William Road near Sir Edwin Smith Drive, which has collected over $1 million of revenue. Although that device is overt and open to see, it is usually after you have gone past it that you see it.

I appreciate, as anyone in this house does, that if you do not break the law and if you do not speed you do not pay the fine, but I question how big a blackspot that part of King William Road is. I know it is a 50 km/h zone, but there is a lot of confusion on the roads. A flat 60 km/h limit was the default limit in our state's cities and towns but now it is 50 km/h unless it is signposted. I certainly wonder how many cameras are in blackspots and actually do help curtail our road toll and the massive injuries that can happen from severe accidents.

I note that where I live on the Dukes Highway we have had more horrific accidents recently. There have been three deaths in a matter of days, and they just keep happening. On the road near Ki Ki two people in a car went under a truck and could barely be recognised. The truck tipped over in the accident. People were saying the road is only a class 2 road. I have driven that road all my life and it is a lot better since it was modernised about 30 years ago. The stretch between Coomandook and Coonalpyn was a horror stretch. There were lots of hills and corners, and it has certainly been straightened out. This accident happened on a straight stretch of road on a bit of a rise and, in my view, there was really no need for the accident to happen, although I note that it has a rating of 2, I believe, by the authorities for being a dangerous stretch of highway.

This is why I question the real intent of speed cameras. I do not question that we have to obey the law, but why are they not in places that actually save lives? These deaths on the Dukes Highway will keep happening because the government does not have a priority to dual lane the Dukes Highway through to the border, so I question the commitment. Since those accidents, there was a camera blitz. Over Easter, you only had to have the UHF radio going to hear about 'flash for cash' here, 'flash for cash' there, 'there is a double one there' and 'one running here', and cars doing laps.

This is after the event of two tragic accidents. I guess my area of the Dukes Highway is in a fatigue zone where people are about two hours out from the centre of the city. A lot of people who come out there are not used to long drives and these accidents happen further down the road towards Keith, Bordertown and through to the border.

Recently, I spoke to the Public Works Committee about the $80 million project to put in more overtaking lanes and other road works to improve the Dukes Highway. In my verbal submission I asked, 'What price a life?' Too many times there are too many accidents happening and friends of mine have to go out in the CFS trucks and help to extricate bodies which are in a mutilated state. They also have to console truck drivers who are jammed in their trucks on their sides because they have just gone over someone and killed them. The drivers cannot get out of the trucks and they have to talk them through before they can get them out.

I have been told the cost of getting the dual lane through to the Victorian border, which is about 191 kilometres, is about $1 billion—close on $5 million per kilometre. So I would have thought, in the light of saving lives, if that is the intent of things like speed cameras and our intent in this place to make the state a better place to commute in, it would have been far better to put the $80 million into providing more dual lanes down the Dukes Highway.

We should start on the work, and whether it takes 10 years or whether it takes 20 years, one day we will get to the border. We are doing bandaid measures, like putting in more overtaking lanes and more rest stops—and I do not disagree with the rest stops—but we should be making it

so that we do not have these horrific head-on accidents. They are horrific and end up with a massive loss of life. If people are serious about keeping their speed down and if they think that the speed cameras are effective in saving lives, perhaps there should be more of them in these stretches of road, instead of coming after the event of several fatal accidents.

With those few words I would like to support the member for Schubert's motion. I understand that one has to obey the law but sometimes it appears that these cameras are set up in locations that are just there to fill the government's coffers. I certainly think there needs to be a committee looking at the effectiveness and accuracy of speed cameras. My father received an alleged speed camera fine one day—this allegedly happened in Adelaide but his car was parked at home on the farm and was nowhere near the place. Once that was resolved, quite quickly, with the authorities, it was thrown out but there certainly can be mistakes made like that. With those few words, I support the motion of the member for Schubert.

The Hon. K.O. FOLEY (Port Adelaide—Minister for Defence Industries, Minister for Police, Minister for Emergency Services, Minister for Motor Sport, Minister Assisting the Premier with the Olympic Dam Expansion Project) (11:18): As Minister for Police, it is appropriate for me at this point to make a contribution. From the outset may I say that I am not in any way reflecting or passing any judgement on the sincerity of the concerns of members opposite about those who have lost their lives, be that on country roads or in suburban Adelaide. However, I want to make the point that bashing up on speed cameras has been a feature of this parliament for as long as I have been here, from both sides of the house, and from various individuals from time to time. However, one fact is that if the Liberal government were to be formed at the next election, or the one after or the one after, it will make no changes to the current approach as to how speed cameras are deployed. And the reason they will not—

Mr Marshall interjecting:

The Hon. K.O. FOLEY: I beg your pardon?

Mr Marshall: You're writing our Liberal policy?

The Hon. K.O. FOLEY: No, and that shows the naivety of members like the member for Norwood. The decision to place speed cameras is an operational matter at the discretion and the decision-making of the police commissioner and his or her delegated authority.

Mr Marshall interjecting:

The Hon. K.O. FOLEY: I beg your pardon?

Mr Marshall: Are you setting any targets?

The Hon. K.O. FOLEY: Elected ministers, should they attempt to interfere with advising, suggesting or requiring the police commissioner to set or to place speed cameras in certain areas, would do so at their ministerial peril.

Mr Marshall: Is there a revenue target?

The Hon. K.O. FOLEY: No, there is not. There is not a revenue target. There is a revenue estimate, of course there is, but there is not a revenue target.

Mr Marshall: What's the difference between the two?

The Hon. K.O. FOLEY: Well, if you do not know the difference between a revenue estimate and a target—

Mr Marshall: You said a revenue estimate and you don't require them to actually work towards that.

The Hon. K.O. FOLEY: No.

Mr Marshall: What is the target?

The Hon. K.O. FOLEY: As the former treasurer, I have a little more experience on this matter than the would-be leader. The revenue is always estimated, and I recall in a number of years that the revenue estimate was under-achieved by a factor of 25 per cent, and that is a good thing—that is a damn good thing.

Can I say that no government that I have been a member of—and I am pretty confident that I can say this about the former Liberal government as well—set a revenue target that the police were required to achieve. That just does not happen.

One of the great furphies of the debate about speed cameras is that the government somehow requires police to have a cash-register approach to speed cameras. In fact, what that does is reflect very poorly on those we entrust to safeguard our roads.

The simple fact, as much as it may be unpalatable and not well received by those members from the country, is that roads do not kill people, roads do not cause accidents: people do.

Mr Whetstone: Lack of education.

The Hon. K.O. FOLEY: Often it is a mistake in driving, often it is a lack of skill in driving, often it may be the driving conditions, as my colleague mentions, with weather, etc., and it may well be the actions of another person and not the innocent who gets hit. But roads do not kill people.

I have no doubt that the previous Liberal government would have implemented measures that would have been successful. However, as my colleague the Minister for Education just remarked, if you have a look at what you achieve in government over the course of a government, probably without question the most important measure this government ever undertook in terms of the life quality and longevity of South Australians was the decision to reduce speed limits in metropolitan Adelaide.

That measure alone has saved lives. We will never know how many, we will never know who, but what we do know is that, on all the evidence available to us globally and nationally, that measure alone means that there are many tens and tens, if not hundreds (perhaps, who knows), of South Australians not only alive but also without a serious handicap as a result of a car accident.

I recall as the Motor Accident Commission minister that statistically (and it is difficult to measure with all the variables that are involved in terms of actual fatalities) one measure you can see, read and analyse quite subjectively is the number of crashes, and that is down (the last time I was looking at these numbers) at least 15 per cent. So, a reduction of 60 to 55 equalled a 15 per cent less number of recorded crashes of all types.

Mr Marshall: Not at the Britannia roundabout.

The Hon. K.O. FOLEY: Sorry?

Mr Marshall: Not at the Britannia roundabout.

The Hon. K.O. FOLEY: Well, I am trying to make a sensible contribution.

Mr Marshall: Well, so am I. It was your own policy in the 2006 election to fix that roundabout.

The SPEAKER: Order!

The Hon. K.O. FOLEY: Why don't you just, for once, try to get off your yippee beans and just be constructive. The Victoria roundabout, I think, functions—

Mr Marshall: No, it's the Britannia roundabout.

The Hon. K.O. FOLEY: The Britannia roundabout functions quite well. I can tell you, if you want to start listing problems that we have in metropolitan Adelaide, there are a hell of a lot of issues with junctions and intersections that I would rate much higher in terms of the need for assistance than the Britannia roundabout. I am trying to make a constructive contribution, not a confrontational approach, which seems to be the only way the member for Norwood thinks he will get recognised in this place.

The number of crashes, as I said, and therefore the consequential human damage, the effect on society and the dollar impact is greatly reduced. You would think that somebody like the member for Schubert—who has been in this place far too long (and that is his own side saying that)—would be mature enough in approaching this to know full well that the police approach their task with great diligence, with great planning and with great skill in deciding where they will place speed cameras.

Speed cameras are a massive deterrent against speeding. The police will place those cameras where they think it is an appropriate place, from the whole of state and whole of city

strategies. Ultimately, they are the ones, along with the SES and CFS volunteers, who, quite often, on country roads at least, are the first on the scene to deal with the carnage that is the result of a car accident.

In all the years that I have been police minister—and I have been police minister for at least probably 3½ to four years in two stints—and certainly not as treasurer have I ever had a discussion with the police commissioner where we have sat around the table with a map of South Australia and said, 'Crikey, I reckon we could get ourselves a couple of million if we stick one here.' That does not happen.

For it to be suggested, I think, is both offensive to the men and women of our road safety branch and to the management of our police in this state. If all the member for Schubert can do, after 30-plus years in this place, is put a motion up that is attacking the placement of speed cameras—

Mr Venning: Twenty-one.

The Hon. K.O. FOLEY: That's right; that's Rob Lucas in another place. He is the one who can't get himself a job in the private sector and has to hang on for ever in this joint. Speed cameras—

Mr Venning: Are you saying I can't get one?

The Hon. K.O. FOLEY: No, you don't need to. You are independently wealthy. Speed cameras are a necessary and vital weapon in the fight against carnage on our roads. I think we should have more speed cameras. It would be great—

Mr Whetstone: How about educating them?

The Hon. K.O. FOLEY: The member says, 'Educate people.'

Mr Whetstone: Educate the young.

The Hon. K.O. FOLEY: If you don't know now that speeding kills, if you don't know now that not wearing a seatbelt quadruples the rate of serious injury and death, well then, give me a break.

Mr Whetstone: It's not the break, it's the stone wall and the tree that they hit.

The Hon. K.O. FOLEY: That is the fault of the driver, not of the road.

Mr Whetstone interjecting:

The Hon. K.O. FOLEY: We do educate kids. Come on, I educate my kids.

Mr Whetstone: Not in the country you don't.

The Hon. K.O. FOLEY: I don't live in the country.

Mr Whetstone: I do.

The Hon. K.O. FOLEY: Well then, educate your kids.

Time expired.

Mr PENGILLY (Finniss) (11:29): I support the member for Schubert's motion. It may surprise the Minister for Police that I agree with quite a bit of what he said. I totally agree with him that it is an operational matter for the police. However, I sometimes seriously question where the police are operating.

Let me give you an example. On Monday, I had to go up to the Riverland through the 110 zone from Murray Bridge through to Loxton. I sat on cruise control—110, 111, whatever, but well within the limit—and I was regularly passed by any number of vehicles. I was passed on double white lines, I was passed on hills, I was passed all over the place. To me, that act of arrant stupidity by those people could have resulted in a critical accident, involving them, myself or any number of other people. I did not see one police car the whole way up, and I did not see one police car the whole way back. However, on Monday evening, I had to go just out of the town and come back in at around quarter to six, and there was a police van sitting under a tree in the 60 zone going into Loxton; being totally useless, in my opinion.

I would suggest that, without knowing, they were strategically located there because it was probably near their meal break. This is the stupidity of it. The revenue flows if you speed. The

member for West Torrens knows only too well how much that costs, and he did not even tell the Premier. However, I say to the house that to have speed cameras is one thing, but to put them in locations where they are actually doing some use would be a whole lot better for the state of South Australia in lowering the road toll.

This is regular. I see it time and time again on the road between here and the south coast—Victor Harbor, down through Middleton and Port Elliot—these cameras are in places where they are totally useless. You do not need to tell me that you put a camera on a straight stretch of road into town, where there is probably no history of injury or accident, or very few accidents—or even zilch fatals, I would suggest—for any other reason than to raise money. This is why the member for Schubert has good case to put the motion to the house.

The last thing I want to see is more accidents on the roads; the very last thing. I have enough fatal accidents in my electorate alone—indeed, I have had one in the last couple of weeks—and the number of fatal accidents that sadly occur on the Adelaide-Victor Harbor road is testament to people's stupidity. As the police minister said, it is the nut behind the wheel—well, he did not say that—but, it is the nut behind the wheel, not the road. The road conditions add a fair bit to it, but for heaven's sake, if they are fair dinkum about it, get them out on the road where they are actually going to do some good on the bad sections of road, and ping people out there, not in silly situations like long straight roads—60 km/h drives into towns—where there is little or no danger to anyone.

The Hon. R.B. Such: King William Road, 50k!

Mr PENGILLY: Yes; and it's all very well for the Minister for Police to talk about these things when he has been driven around by chauffeur for the last nine years. That is another case. I do not know how much driving he does. He may drive in his private time, or he may walk up the footpath or do what he wants to do—that's his business. However, the reality is that if you are going to be fair dinkum about speed cameras, you should have a good look at it and, in my view, put them where they are doing some good—out on the road sections where people do stupid things.

Those of us, particularly country members, who are out there all the time see it time and time again. There would not be a country member in this place—possibly including you, ma'am—who has not seen acts of arrant stupidity on the road, not only by cars, but I include trucks and motorbikes. Only yesterday on the South Eastern Freeway, I was tailgated by two motorbikes with New South Wales plates, from Tailem Bend right back through to Adelaide, sitting behind me. Not a police car to be seen anywhere on the road, not a speed camera to be seen anywhere.

That is just another thing to do with this. I thought it was unwise to remove the warning signs 'You have been past a speed camera'. What is the secret? You have been through. If you were speeding, you get done, if you were not speeding, you do not get done. I do not think that is the smartest thing that the police commissioner has done, by a long shot, quite frankly.

I do think there is some justification for the member for Schubert's motion. Just to correct the record, ma'am: he has not been here for 30 years, he has been here for, I think, around 21. He is going shortly—that is the good news for him. He will be able to retire and go home to Crystal Brook, and enjoy life and spend time on the roads.

Members interjecting:

The SPEAKER: Order! I call the member for Morphett.

Dr McFETRIDGE (Morphett) (11:34): Madam Speaker, many people in this place would know that I have been questioning in this place for quite a long time not the efficiency of speed cameras, as this motion talks about, but the accuracy of speed cameras. The science of metrology is the science of determining the accuracy of measurement, and I have been dealing with world authorities in the science of metrology over a number of years to try and ascertain whether the speed detection devices that are used by South Australia Police are as accurate as the government would have us believe.

There is an association called the National Association of Testing Authorities (NATA). It is an authority which ensures that all sorts of instruments are as accurate as manufacturers and legislators would have us want them to be, including the water meters in homes, the meters on bores and dams that are being installed around the place, right through to weighing machines in shops.

Yet, to the best of my knowledge, I think that the current—and I should have checked that this morning—position with the South Australian police speed detection devices and the calibration of those devices is that it is not done in a NATA accredited laboratory, as is done by every other police authority around the nation. It is so important that we protect our police officers by making sure that the equipment they are using is calibrated to the highest degree, the same as your water meter at home has to be. Surely, that is not too much to ask.

So, protect our police. Let them do the job they want to do by giving them the funding to make sure that their calibration laboratory is NATA accredited so that they can have that fallback to say, 'Yes, this equipment is accurate; NATA accredited.' We do not have that. If that is the case, if it is still suspended, as I understand it, then that is a disgrace because I have been going on about this for many years.

In fact, I remember in estimates a number of years ago, I asked the Commissioner of Police about some of the tolerances that were there and the in-built errors that were involved in detecting and determining the speed of cars, motorcycles and trucks. The police commissioner, inadvertently, released the tolerances that were then used by the Victorian police, and there was hell to pay in Victoria. I understand that the commissioner received some fairly terse emails, phone calls and letters about him releasing those tolerances.

Good on the police commissioner, because you have to have tolerances. There is no way that you can compensate, calibrate, equilibrate, or in any way build in the in-built errors in speed determination and measurement in motor vehicles, trucks and cars. Tyre pressure, loading, wind speed, your position in the car, your dominant eye, it is as simple as that. There are many things which need to be taken into account.

I have just been handed a note by the member for Fisher, who has been championing the whole accreditation of SAPOL's equipment, to say that it has now been accredited. As I said though, it was suspended from 2006 to 2010. I hope that accreditation has been due, in some small part, to my efforts because the police needed that protection. I have said that many times.

We need to protect our police and make sure that they are able to do the job that they want to do, because they are hardworking, diligent men and women who are upholding the laws of our state. They are not out there to catch innocent people. They want to stop speeding. They want to deter speeding. Speed detection devices are not always used by the police, they are sometimes used by traffic speed camera operators who are not sworn police officers, but, nevertheless, the equipment needs to be accurate. I am very pleased to be informed by the member for Fisher that SAPOL does now have a NATA accredited testing laboratory to calibrate their equipment.

The effectiveness of speed detection devices, cameras and other speed measuring devices used by SAPOL is the motion here, that they are effective in the catching of people speeding. We need to make sure that they are accurate but we also need to make sure that they are effective in deterring people who have been speeding. The Minister for Police said that, with a Liberal or Labor government, we would not change anything. Well, things were changed. They were changed by the minister's government.

Former police minister Wayne Matthew insisted that the signs warning of speed cameras were before the camera, that they were placed on the side of the road before the camera to warn that there was a speed camera in the area, so that if you were speeding it alerted you to that. It was not about revenue raising, it was not about catching innocent motorists who were inadvertently going down the hill at the wrong time, or something like that. It was about making sure that safety came first. They changed the name from speed cameras to safety cameras. They had the sign after the camera, and now they have taken it away completely.

As was the case with one of my constituents a couple of months ago, if you are going down Anzac Highway into Glenelg, you go from 60 into a 50 zone—nothing changes; it is still four lanes, very busy and commercial. However, hidden behind trees (and that is the only way you could describe it) were signs saying 50 km/h. I wrote to the Minister for Police about this. The motorists were not warned they were going into a 50 zone. They assumed, quite sensibly I think, it was still a 60 zone.

If you want a classic example of the inconsistency of speed levels being set in South Australia, go to Military Road at West Beach. It is a huge, wide road there—50 km/h. There is some traffic coming in and out, sure—caravans, buses and boats on cars—but 50 km/h an hour. Then you go to Sturt Road at Marion, next to one of the biggest shopping centres in the

Southern Hemisphere. You have bus interchanges, commercial properties on both sides, traffic lights and pedestrian crossings, and it is 60 km/h. I do not understand the inconsistencies.

The 85th percentile rule in setting speed zones should be used more widely. In Singapore, they use the 85th percentile rule. In other words, 85 per cent of motorists are doing this speed so it must be a safe speed to do. In Singapore, they have actually put up the speed on some roads by up to 20 km/h using the 85th percentile rule. This government does not use that rule; they use some arbitrary measure, as can be evidenced by Military Road at West Beach and Sturt Road at Oaklands Park. This is not the first time I have mentioned this in this place. It is so inconsistent. If it was consistent you would not have people who are quite innocent going into a zone where they think that nothing has changed but it has changed.

Let us be consistent. Let us look at all the ideas we can to make sure people are not being pinged inadvertently. Let us make sure that the speed detection devices that are being used by our police officers are as accurate as they should be, that they are being used in the correct way and that people are not being used as a source of funds for this government, because that is the perception out there. Whether it is right or wrong, that is the perception out there. Let us make sure that the whole issue of speed detection and speed detection devices is above board, is open to scrutiny and open to review even with a review panel or an appeal panel, where you pay your fine but have an appeal. Let us make sure it all works and works the way it should. That is what this motion is about and I support the motion by the member for Schubert.

Debate adjourned on motion of Mr Piccolo.

PUBLIC WORKS COMMITTEE: BERRI HOSPITAL REDEVELOPMENT

Adjourned debate on motion of Mrs Vlahos:

That the 391st report of the committee, on the Berri Hospital redevelopment, be noted.

(Continued from 23 February 2011.)

Mrs VLAHOS (Taylor) (11:43): I rise to conclude my remarks on the Berri Hospital redevelopment. I will start by speaking about the mental health facility that will be included in this project. The six mental health beds that will be part of this project—two Limited Treatment Centre (LTC) beds plus four Intermediate Care Centre (ICC) step-up/step-down beds—are configured so that their use is as flexible as possible. With these, patients will have access to a secure court for their own activity and dining area.

There will also be a maternal and neonatal component of the project. This provision is for a level 3 service and it is envisaged with the capacity to accommodate all Riverland birthing, with the exception of high-risk pregnancies. The two birthing suites are not counted in the 38-bed total; however, access to a third larger inpatient room will act as an 'overflow demand' birthing space as required.

The project works are a combination of redevelopment, new works and infrastructure upgrade. The nature of these works is such that there are a number of key interdependencies between the components of work in order that the works proceed in a timely manner. Accordingly, the project works are being delivered in a number of phases focused on optimising the program and the facilities delivery components. A managing contractor will be used to manage the construction of the project and will be responsible for the tendering work packages and supervising all of these works.

This form of procurement includes a managing contractor as a key stakeholder and the success of the project, with the objective shared by the client and the professional services contractors. The process of selecting and managing a contractor is being managed by DTEI. Given the above and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to the parliament that it recommends the proposed public works.

Mr WHETSTONE (Chaffey) (11:45): I rise to give support to this project, this much-needed redevelopment of the Riverland Regional Hospital. I welcome the $41 million budget that has been assigned to the redevelopment of the hospital; that has been a long time coming. I must say that the delays along the way have been a little frustrating. We have been promised many times that the project is about to get under way, but to hear today that it has had a passage through the Public Works Committee is welcome news, and it is another step closer.

It is major infrastructure project in Berri in the Riverland, and it is a very much needed major infrastructure project. It is almost like a shot in the arm for the region, particularly for people

who have had to do so much travel to Adelaide for specialised services. I think that is one of the major issues with living in the country, being a regional citizen. If there are any specialised services needed, it is always at the cost of that particular person or their family.

It is not just monetary cost; it is the inconvenience of having to travel. In most cases it is a three-hour, one-way journey from the Riverland down to Adelaide, but it is also the ongoing burden. Normally, a trip to the hospital does not entail a one-day visit; it is a number of days. The burden comes from being away from the family, from loved ones, particularly if there is an illness in the family or if people are sick, it really is a testing time for one's mental health.

It also is an incentive for people who are contemplating moving to the region. Madam Speaker, as you would well understand, living in a country region it is always welcome to have new people to come to the region, but when they come to that region they normally have to assess where they are contemplating moving. They would look at whether there is infrastructure in place—good hospital, good schools, good facilities, whether the police station is somewhere close. Those facilities are what normally help people make that decision to come to a region. Again, I think the upgrade of the regional hospital will be a feather in the region's cap.

I do have a couple of questions. The budget was drawn up in 2008-09—$41 million—and the completion is for 2013. If you look at the completion date of 2013, is there a potential for a budget shortfall for the completion of that hospital? And, if there is going to be financial pressure put on the completion of that hospital, will there be any particular sections of that hospital that will take the fall? That is something that is giving everyone concern because those services within that redevelopment are vital to the conception of having a regional hospital that will address the needs of the people in Chaffey.

Also, one particular area of specialised services is the chemotherapy hub. One of the most important complementary assets for a chemotherapy hub is a pharmacy service. As I understand it, the pharmacy has not come within the budget of the redevelopment. So, that is something I stand here today to make sure that the minister is aware of. He would well know that a pharmacy must be part of that chemotherapy hub.

The new upgraded hospital will require more staff, more specialised staff, with more specialised facilities. Is there any form of attraction for those health professionals? Are there any incentives for those health professionals to make a decision to make the journey from where they currently live, currently train, or currently practise, and come to the Riverland? I indicate to the minister that there needs to be incentives to get those professionals out to the regions because, as every regional hospital, professional facility or medical facility would understand, it is very hard to entice those medical professionals out to the country.

The community consultation program: I ask of the minister that the community people become involved with the redevelopment of that hospital because that is the fabric of what is already in existence. The country hospitals are embraced by the townspeople, and when I say that I mean the fundraising, the cake and scone days, and the money that is put into giving those extra services or those extra comforts that a hospital is always looking for.

Just as an example, some of the Riverland hospitals have fundraising days just to put TVs in rooms. I am sure that a lot of people in metropolitan Adelaide hospitals expect a TV to be up on the wall when they go into hospital. I know that at Loxton and at Renmark there have been fundraisers to put the TVs on the walls. There have been fundraisers to have painting programs so that they can paint the skirting boards and they can paint the damaged walls that also often happen. So, having that community consultation program to embrace the community people, the people who are there to support the hospital, is vitally important.

With completion of the hospital in 2013, there is one thing that I would mention to the government and, in particular, the minister: would he see city patients come to Berri to have those medical procedures performed? We see so often that Adelaide hospitals are at capacity or past capacity and that there are huge waiting lists for people to have procedures done in Adelaide. We see that in a lot of country hospitals there are vacant beds and theatres that are vacant. Why can't we manoeuvre some of those patients from the city up to the country and make use of those facilities, particularly a facility like the Riverland Regional Hospital that is just about to have some $41 million spent on it?

I must say that I welcome the chair of the committee overseeing this project to the mental health department. The Chaffey region has been through some significantly tough times over the last five or six years, particularly through drought, water restrictions and commodity prices. Again,

that is putting added pressure on the mental health of a lot of those farmers, irrigators and community people because it is one big revolving door: if the farmers, the irrigators, and the food producers are all moving along okay, the community is working just nicely. It is good to see that they have recognised that a mental health department is needed at the regional hospital, and it is a much-welcomed department in the hospital.

I wish the redevelopment a swift passage to completion, and look forward to it being up and running and having people going through the doors.

The Hon. R.B. SUCH (Fisher) (11:54): I will make some brief supporting comments. I am delighted that this project is finally being considered by parliament. It is a welcome initiative not just because it will serve the Riverland area but I think it is a step towards helping to ensure that country people get a better service in terms of their medical needs. It might seem strange as a city member to be saying that, but the reality is that people who live in regional and country areas of South Australia generally have poorer health outcomes than people who live in the city.

In my electorate, we have nearby Flinders Medical Centre. Residents have access to other facilities in Adelaide and anyone who takes time to visit regional country areas in South Australia will know that people often have to travel a long way to get treatment, and they often have poorer outcomes because there is often less awareness of some of the potential health issues that can arise.

I think it is important that we are the Parliament of South Australia and we have a responsibility to all South Australians to ensure that wherever they live they have adequate and top quality medical and hospital facilities. I welcome this report and I look forward to the speedy completion of this project so that the people of the Riverland can (enjoy is not the right word) receive the best quality hospital treatment.

Dr McFETRIDGE (Morphett) (11:56): Last week I had the pleasure of being the guest of the member for Chaffey in the Riverland, and I thank him for his hospitality and for facilitating the meetings and community forums that we had. It was a worthwhile time and part of that visit was getting a briefing from the people associated with the Berri Hospital redevelopment. It was a comprehensive briefing. We were shown the plans showing the new areas that were going to be added on and redeveloped. It is a terrific thing to be happening. It is overdue, we do know that—and I won't labour on that because I think the government knows that it should have done it in a more timely fashion—but we are very pleased to have it.

Berri Hospital will be one of the four general hospitals that is being established under this government's country health initiatives, along with Mount Gambier, Port Lincoln and Whyalla. Berri Hospital, though, has been long overdue for this upgrade, with one operating theatre and treatment room, and other facilities which were getting very tired. It is a good example of what can be done with a facility that needs to be upgraded and turned into a state-of-the-art facility, as we know could have been done down the road at the Royal Adelaide Hospital.

The people in the Riverland who have been doing it tough are overdue for this facility. I heard stories last week when I was there with the member for Chaffey, Tim Whetstone, about people having to wait six weeks to see a GP—it is just not good enough. To have specialists driving hours and hours to the Riverland so that they can see their patients and then do surgery—it is just not good enough.

We need to make sure that the great facilities there are controlled by the local communities because the HAC members who I spoke to were very concerned that they had been sidelined on many occasions. They want to be listened to, they want to contribute, but it is not working like the old boards, and we need to make sure that not only do we provide good facilities but also that we have a good community that is providing good backup—because they are all good committees—and that the health advisory councils are being given the support they need and being listened to, and not paid lip service by this government, so that they can attract the workforce that is needed.

Flinders University is providing a fantastic facility by training doctors, nurses, and paramedics. We need to ensure that they have the best facilities and the best living accommodation possible to make sure that we attract somebody to stay there. It is very important that health services in the Riverland are not only being assisted by this redevelopment but also that we ensure their standard of service is maintained for many years to come. I do not know whether the government is looking at the Mt Gambier model of interns and registrars for the four general hospitals. It is an interesting model, and I think it could be expanded to provide 24-hour services in some of our general hospitals, for A&E particularly.

We do know that River Doc's, an agency, is providing after hours emergency services at Berri; we know that the A&E at Renmark was closed down, much to the concern of local residents up there, particularly when you have Flinders University providing a medical school right next door. It is a bit of a worry. The need to complete this facility, the new redevelopment, as soon as possible is something that I strongly support, and I look forward to seeing the development and to being there when the new facility is opened in 2013.

Motion carried.

RADIATION PROTECTION AND CONTROL (LICENCES AND REGISTRATION) AMENDMENT BILL

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (12:01): Obtained leave and introduced a bill for an act to amend the Radiation Protection and Control Act 1982. Read a first time.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (12:01): I move:

That this bill be now read a second time.

Radioactive substances are widely used in science, industry and medicine. In the medical field, for example, radioactive substances are used by licensed radiation therapists and medical physicists for treating certain cancers. Strict procedures are followed by these clinicians to protect themselves and patients from harm. In industry, highly radioactive substances are used for industrial radiography. It is crucial that procedures must be put in place to ensure the safety of the users of the radioactive substances as well as people who may be in the vicinity of the work.

The Radiation Protection and Control Act 1982 (RPC act) serves to ensure that the health and safety of South Australians who may be affected by radioactive substances are protected and that those who use radioactive substances or radiation equipment are properly trained and licensed.

The purpose of this Bill is to remove paragraph (a) from section 28(2) and paragraph (a) from section 29(3) of the RPC act. Without the removal of these paragraphs, these provisions would have unintended consequences on the enactment of the Statutes Amendment (Budget 2010) Act 2010 (the budget act) that have the potential to expose persons involved in the use of radioactive substances to risk. Without this amendment, changes made to the RPC act by the budget act may result in unintended persons being able to lawfully handle radioactive substances.

Section 28(2)(a) of the RPC act provides that the requirement for a licence to use or handle radioactive substances does not apply 'to the use or handling of radioactive substances in the course of operations authorised under provisions of the RPC act'. Currently, the only provision of the RPC act which authorises operations is section 24—Licence to mine or mill radioactive ores. Section 28(2)(a) therefore only applies to operations authorised under section 24. However, when amendments are made to the RPC act by the budget act, a licence to possess a radiation source and a facilities licence will also be introduced. Individuals involved in these operations would arguably be exempted from the requirement of a licence by virtue of section 28(2)(a).

To remedy the situation, paragraph (a) of section 28(2) needs to be deleted. A provision will instead be made in the regulations to prescribe persons using or handling radioactive substances in the course of operations authorised by a licence under section 24 of the RPC act as persons of a prescribed class.

Section 29(3)(a) provides for the requirement to register premises in which an unsealed radioactive substance is kept or handled. It is thought that, because of the new licences provided for under the Budget Act, there is a risk that section 29(3)(a) could be interpreted to allow new premises not to be registered. This could lead to a situation where the records for the location of dangerous radioactive substances are incomplete. The resulting radiation risk would not be as significant as that associated with a licence to use or handle radiation substances.

In this case, conditions of a licence to possess a radiation source would still apply to these premises, and therefore radiation management plans and radiation waste management plans would still apply. However, when premises are registered with the authority, an inspection is undertaken to ensure that the premises meet the requirements of the regulations and this may not take place.

To remedy this situation, paragraph (a) of section 29(3) needs to be deleted. A provision would instead be made in the regulations to prescribe premises in which unsealed radioactive substances are kept or handled in the course of operations authorised by a licence under section 24 of the RPC Act as a premises of a prescribed class.

I commend the bill to members, and I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Radiation Protection and Control Act 1982*

4—Amendment of section 28—Licence to use or handle radioactive substances

This clause removes paragraph (a) from section 28(2). Paragraph (a) exempts a natural person from the requirement to be licensed under the section if the use or handling of a radioactive substance is in the course of operations authorised under another provision of the principal Act. The amendment is necessary in light of the *Statutes Amendment (Budget 2010) Act 2010* which establishes new licences in circumstances in which a natural person may still be required to be licensed under section 28. It is anticipated that the activities in connection with which a licence under section 28 will not be required will be prescribed in the regulations under this amended provision, thus the current status quo for existing licences will be retained.

5—Amendment of section 29—Registration of premises in which unsealed radioactive substances are handled or kept

This clause removes paragraph (a) from section 29(3). Paragraph (a) exempts premises from the requirement to be registered under the section if the keeping or handling of radioactive substances is in the course of operations authorised under another provision of the principal Act. This is a similar amendment to that in clause 4 and is similarly consequential on amendments to the principal Act effected by the *Statutes Amendment (Budget 2010) Act 2010*.

Debate adjourned on motion of Mr Pederick.

STATUTES AMENDMENT (LAND HOLDING ENTITIES AND TAX AVOIDANCE SCHEMES) BILL

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (12:07): Obtained leave and introduced a bill for an act to amend the Stamp Duties Act 1923 and the Taxation Administration Act 1996. Read a first time.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (12:07): I move:

That this bill be now read a second time.

This bill replaces the land rich provisions contained in part 4 of the Stamp Duties Act 1923 with landholder provisions as announced in the 2010 state budget. The amendments will operate from 1 July 2011. Transitional provisions provide that agreements entered into prior to 1 July 2011 but completed on or after that date will be dealt with under the existing land rich provisions.

Both the land rich and landholder provisions are intended to ensure that conveyance duty is paid on the transfer of significant South Australian land assets when control of a company or unit trust changes. The introduction of a landholder model does not change conveyance duty arrangements for individuals or businesses buying land assets directly.

All jurisdictions have either land rich or landholder provisions in their stamp duty legislation. The provisions are intended to protect the conveyance duty revenue base from leakage caused by taxpayers purchasing land indirectly through companies and unit trust schemes, rather than directly. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Ms Chapman interjecting:

The Hon. J.J. SNELLING: But if the member for Bragg would like me to read the whole speech, I would be more than happy to.

Members interjecting:

The SPEAKER: Order!

Leave granted.

A number of jurisdictions have either replaced land rich provisions with a landholder model or have announced their intention to do so. Landholder provisions currently operate in New South Wales, Western Australia, the Northern Territory and the Australian Capital Territory while Queensland has also announced its intention to move to a landholder model.

As opposed to land rich provisions landholder provisions treat all significant land transfers over the land threshold value—in South Australia's case $1 million—consistently and protect the conveyance duty base from being eroded through the manipulation of the land rich test.

Currently for land rich provisions of Part 4 to apply, a person or group of associates must acquire 50 per cent or more of the shares or units in a private company or unit trust where the private company or unit trust owns South Australian land valued at $1 million or more and where 60 per cent or more of the value of the total assets of the entity are land.

The asset test is currently 80 per cent or more for primary production entities.

The adoption of a landholder model removes the 60 per cent and 80 per cent tests so that the provisions will apply when a person or group of associates acquires 50 per cent or more of the shares or units in the private company or unit trust and the private company or unit trust owns land valued at $1 million or more in South Australia.

Land holder duty will also apply where 90 per cent or more of the shares or units of a listed 'landholder' company or trust are acquired. Duty for listed companies and trusts will be charged at a concessional rate of 10 per cent of the amount of duty otherwise payable.

Widely held unit trusts which have 300 or more unit holders where none of the unit holders individually or together with an associated person is entitled to 20 per cent of the units in the trust will be treated under Part 4 as listed trusts in recognition of the large number of unit holders.

The removal of the land to asset test and the inclusion of listed entities does result in the landholder model having a broader application than the land rich provisions. The 2010-11 Budget estimated that adoption of the landholder model would have a budget impact of $10 million in 2011-12 and $20 million per annum over the forward estimates.

Where applicable, the current land rich provisions charge duty on the percentage of the entity's underlying local land assets acquired.

Under the proposed landholder provisions stamp duty will apply to the underlying local land assets acquired by an entity as well as particular goods of the landholder entity which are used solely or predominantly in South Australia. The application of landholder duty to goods is subject to a number of exemptions, including stock in trade, livestock and materials used for manufacturing.

This approach will provide consistency with the general conveyance base where chattels that are transferred with land are subject to duty. The approach is broadly consistent with the landholder provisions in other jurisdictions.

Whilst the Bill replaces the whole of Part 4 with new provisions, the land holder model has adopted much of the existing machinery of the land rich provisions as the provisions are generally understood within relevant industries and work well in practice.

Changes have been made to existing provisions in order to enhance the workings and application of those provisions where issues have been identified in the past. Some of the more substantial changes are described below.

The definition of land has been extended to include interests that have a close connection to land as it is considered they should be dutiable because they are, in substance, closely comparable to ownership interests considered to be land in the *Real Property Act 1886*.

The interests covered by the Bill, include mining and petroleum related leases/licences, aquaculture leases and forestry property agreements, reflect the interests intended to remain in the stamp duty base when duty is removed on non-real non-residential conveyances on 1 July 2012.

The new provisions make it clear that an entity's interest in land will be taken to include an interest in anything fixed to the land but notionally severed or considered to be legally separate to the land by operation of another Act or law. This ensures that other legislation, which addresses 'land' definitional issues for other purposes, does not have unintended impacts on the manner in which stamp duty is charged. These provisions promote the equitable treatment of all property considered to be fixtures to land under the landholder arrangements.

The Bill also operates to amend the circumstances under Part 4 in which duty paid in relation to prior acquisitions can be rebated against duty payable in relation to a current transaction. In principle, the rebate provisions in the Bill are intended to ensure that duty is only payable once in relation to the effective acquisition of

land assets. Where a person or a group of associates' interest in a landholding entity increases over time, duty payable under Part 4 only relates to the notional increase in the ownership of the land asset.

The Bill also contains provisions which set out in detail how the value of a relevant asset is to be determined under Part 4. These provisions are consistent with the general conveyance provisions of the Act and will allow the Commissioner of State Taxation to cause a valuation of an asset or interest to be made in circumstances where there is no evidence or there is unsatisfactory evidence provided as to the value of the asset or interest.

In addition a further provision has been included to clarify that when determining the value of an asset or interest, it is to be assumed that a hypothetical purchaser would, when negotiating the price for the asset or interest, have knowledge of all existing information relating to the asset or interest; and no account is to be taken of any amount that a hypothetical purchaser would have to expend to reproduce, or otherwise acquire a permanent right of access to and use of, existing information relating to the asset or information. This provision has been included to ensure the appropriate market value of land can be ascertained by the Commissioner for the purposes of Part 4.

The Bill also makes amendments relating to the Commissioner of State Taxation's ability to recover stamp duty under Part 4 of the Act. Currently Part 4 allows land owned by a land rich entity to be sold to recover any outstanding land rich duty due in relation to that entity. Legal advice has been received that the current provision is deficient in that the charge ranks after first charges, mortgages and any other charges that have been registered prior to the RevenueSA charge and can only last 6 months. The Bill therefore provides the Commissioner with the power to register a charge against any land of an entity and that charge will rank as a first charge over the relevant land. This provision will provide consistency with the Commissioner's powers in relation to Land Tax, the Emergency Services Levy and the First Home Owner Grant.

A concession is also being introduced in relation to the statutory funds of life insurance companies to provide that the funds are not considered to be associated persons for the purpose of Part 4. Life insurance business must be conducted through statutory funds and to protect the interests of policy holders, the operation of such funds is regulated under the *Life Insurance Act 1995* (Cth.). Given the unique regulatory circumstances of statutory funds, which must be accounted for separately from the business and assets of the life insurance company, it is appropriate to treat such funds as separate and independent for the purposes of the landholder provisions.

The Bill introduces a new Part 6A of the *Taxation Administration Act 1996* in relation to tax avoidance schemes. These provisions target artificial, blatant or contrived schemes that are entered into for the sole or dominant purpose of avoiding or reducing taxation payable. While RevenueSA has provisions in existing legislation that are intended to prevent tax avoidance, the provisions may not be effective in counteracting some potential schemes identified. The anti-avoidance provisions in the Bill provide a broad and consistent approach to tax avoidance across State taxes. The provisions are based on anti-avoidance provisions in the New South Wales duties legislation.

Overall it is considered that the Bill provides fairer and more robust tax outcomes which aim to strike a balance between protecting the revenue base and allowing taxpayers to structure their commercial affairs appropriately.

Finally, an unrelated amendment is also being made to provide an exemption from stamp duty to the vesting of property held by a security trustee to the trustee of a self managed superannuation fund under an instalment warrant arrangement. This exemption will essentially prevent double duty consequences arising from trust structures required in accordance with Commonwealth superannuation legislation where self managed superannuation funds borrow funds to pay for property purchases. The use of instalment warrant arrangements for property purchases by self managed superannuation funds has emerged following recent amendments to the *Superannuation Industry (Supervision) Act 1993* which now permit self managed superannuation funds to borrow funds in order to invest in property in limited circumstances.

I would also like to take this opportunity to thank industry bodies for their participation in the consultation process, in particular the Law Council of Australia, the Property Council of Australia and the South Australian Farmers Federation.

I commend this Bill to Honourable Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will come into operation on 1 July 2011.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Stamp Duties Act 1923*

4—Amendment of section 2—Interpretation

It is necessary to define the term *quoted* in relation to any shares, units in a unit trust scheme or interests in such shares or units.

5—Amendment of section 71—Instruments chargeable as conveyances

These amendments will allow an exemption from stamp duty in relation to the vesting of property held by a security trustee to a self managed superannuation fund.

6—Amendment of section 85—Exempt transactions

This is a consequential amendment.

7—Substitution of Part 4

This clause provides for the repeal and re-enactment of Part 4 of the Act relating to land holding entities.

8—Transitional provision

This clause sets out the transitional provisions that are to apply in relation to new Part 4 that is to be inserted into the *Stamp Duties Act 1923*.

Part 3—Amendment of *Taxation Administration Act 1996*

9—Insertion of Part 6A

This clause provides for the enactment of a new Part of the *Taxation Administration Act 1996* in relation to tax avoidance schemes.

10—Transitional provision

This clause sets out the transitional provisions that are to apply in relation to new Part 6A that is to be inserted into the *Taxation Administration Act 1996*.

Debate adjourned on motion of Ms Chapman.

VISITORS

The SPEAKER: I advise members of the presence in the gallery today of students from Mount Barker Waldorf School, who are guests of the member for Kavel. Welcome. We hope you enjoy your time here.

COMMERCIAL ARBITRATION BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (12:10): Obtained leave and introduced a bill for an act relating to the conduct of commercial arbitrations; to amend the Commercial Arbitration and Industrial Referral Agreements Act 1986; and for other purposes. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (12:10): I move:

That this bill be now read a second time.

This bill proposes to amend the Commercial Arbitration and Industrial Referral Act 1986 so as to enact a new framework for the conduct of domestic commercial arbitrations. The current act is part of uniform domestic arbitration legislation across all states and territories, but requires updating to match the United Nations Commission on International Trade Law Model Law on International Commercial Arbitration, which was amended in 2006.

There are good reasons for adopting the amended model law as the basis for the domestic law. First, the model has legitimacy and familiarity worldwide. It provides a well-understood procedural framework to deal with issues such as the appointment of arbitrators, jurisdiction of arbitrators, conduct of arbitral proceedings and the making of awards, and therefore is easily adapted to the conduct of domestic arbitrations.

Secondly, this creates national consistency in the regulation and conduct of international and domestic commercial arbitration. The commonwealth International Arbitration Act 1974 gives effect to the model law in relation to international arbitrations. Many businesses trade both domestically and internationally, so one set of procedures for managing commercial disputes makes sense. Third, practitioners and courts will be able to draw on case law and practice in the commonwealth and overseas to inform the interpretation and application of its provisions.

However, the model law, being designed for international rather than domestic arbitration, required some modifications to serve domestic purposes. A draft of the model bill was therefore released by attorneys-general for targeted consultation. No commentator was opposed to the

adoption of the model as the foundation of the domestic law, and comment generally related to the detail of the bill.

After considering the results of consultation and making some changes to the model, attorneys-general in May 2010 adopted the model to be enacted. Since then, the model has become law in New South Wales. A bill to enact the model is before the Tasmanian parliament. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The purpose of the law is found in section 1AC of the Bill, which says that the paramount object of the Bill is to facilitate the fair and final resolution of commercial disputes by impartial arbitral tribunals without unnecessary delay or expense. Stakeholders supported the inclusion of a paramount object clause, noting the absence of such a provision as a weakness in the present uniform commercial arbitration Acts.

Part 1 of the Bill applies the Bill to domestic commercial arbitration and clarifies that this excludes an international arbitration for the purposes of the Commonwealth Act. Part 2 of the Bill defines an arbitration agreement and requires a court before which an action is brought to refer that matter to arbitration if it is the subject of a arbitration agreement and a party makes a request in time. Part 3 deals with the composition of arbitral tribunals and provides flexibility and autonomy to parties in selecting the arbitrator or arbitral tribunal to decide their dispute. It enables parties to agree on the number or arbitrators, the process by which they will be selected and how they may be challenged. It also provides a default position should the parties not agree. Clause 12 sets out the grounds on which the appointment of an arbitrator may be challenged and obliges proposed arbitrators to disclose any circumstances likely to give rise to justifiable doubts as to their impartiality or independence.

Part 4 makes it clear that an arbitral tribunal is competent to determine whether it has jurisdiction in a dispute but also enables a party to seek a ruling on the matter from the court where a tribunal determines that it has jurisdiction. Part 4A enables arbitral tribunals to grant and enforce interim measures for purposes such as the preservation of assets and evidence.

Part 5 deals with the conduct of arbitral proceedings, providing that parties must be given a fair hearing and that they are free to agree on the procedure to be followed, or, failing agreement, for the arbitral tribunal to conduct the arbitration as it considers appropriate. Part 5 includes some provisions additional to those in the model law to ensure that arbitrations can be conducted efficiently and cost-effectively. Clause 24B imposes a duty on parties to do all things necessary for the proper and expeditious conduct of arbitral proceedings. Clause 24B sets out general duties of the parties, including complying with evidentiary and procedural directions without delay. Clause 25 provides the powers of an arbitral tribunal in case of default of a party, enabling arbitral tribunals to deal with delay by parties or failure to comply with a direction of the tribunal. Clause 27D provides that an arbitrator can act as a mediator, conciliator or other non-arbitral intermediary, if the parties so agree. If, however, a mediation or conciliation is not successful an arbitrator can only continue to act as arbitrator with the written consent of all parties. Part 5 also provides a confidentiality regime based on the Commonwealth Act.

Part 6 of the Bill covers the making of awards and the termination of proceedings. The UNCITRAL Model Law has been supplemented by additional provisions to deal with the issue of costs and the awarding of interest, drafted consistently with the Commonwealth Act.

Part 7 outlines the circumstances in which a party can apply to set aside an award, or can appeal if the parties have agreed to allow appeals under the optional provision.

Part 8 deals with the recognition of awards and the grounds on which enforcement can be refused.

The Bill preserves the industrial referral provisions of the Act, which were added in 2007. By Schedule 1, these provisions become a separate Act, the *Industrial Referral Agreements Act 1986*.

This Bill aims to ensure that our domestic arbitration laws reflect accepted international practice for resolving commercial disputes and will provide business with a cost-effective and efficient alternative to litigation.

I commend the Bill to Members.

Explanation of Clauses

Part 1A—Preliminary

1A—Short title

1B—Commencement

Clauses 1A and 1B are formal.

1C—Paramount object of Act

Clause 1C states that the paramount object of the proposed Act is to facilitate the fair and final resolution of commercial disputes by impartial arbitral tribunals without unnecessary delay or expense.

Part 1—General provisions

1—Scope of application

Clause 1 applies the proposed Act to domestic commercial arbitrations. An arbitration is a domestic arbitration if the parties to an arbitration agreement have, at the time of the conclusion of that agreement, their places of business in Australia and have (whether in the arbitration agreement or in any other document in writing) agreed that any dispute that has arisen or may arise between them is to be settled by arbitration. It is not a domestic arbitration if it is an arbitration to which the Model Law (as given effect by the Commonwealth Act) applies as that Act covers the field with respect to international commercial arbitrations. Clause 1(5) also makes it clear that the proposed Act is not intended to affect any other Act that provides that certain disputes may not be submitted to arbitration or may only be submitted according to provisions other than those of the proposed Act.

2—Definitions and rules of interpretation

Clause 2 defines certain words and expressions used in the proposed Act. In particular, it defines confidential information, disclose, Model Law and party. The clause also contains provisions for interpreting referential phrases in the proposed Act, including provisions relating to the meaning of a reference to the fact that the parties have agreed and that a reference to leaving the parties free to determine an issue includes the right of the parties to authorise a third party (including an institution) to determine the issue.

2A—International origin and general principles

Clause 2A makes it clear that in interpreting the proposed Act regard should be had to promoting uniformity between the application of the proposed Act to domestic commercial arbitrations and the application of the Model Law (as given effect by the Commonwealth Act) to international commercial arbitrations.

3—Receipt of written communications

Clause 3 deems written communications to have been received by a party in specified circumstances.

4—Waiver of right to object

Clause 4 waives the right of a party to object to non-compliance with a provision of the proposed Act or of an arbitration agreement if the party proceeds with arbitration but fails to object to that non-compliance either without delay or within any time-limit.

5—Extent of court intervention

Clause 5 makes it clear that a court is not to intervene in matters governed by the proposed Act, except as provided by the Act.

6—Court for certain functions of arbitration assistance and supervision

Clause 6 specifies the functions of arbitration assistance and supervision to be performed by the Supreme Court, or by the District Court or Magistrates Court if the parties so provide in the arbitration agreement, under the proposed Act.

Part 2—Arbitration agreement

7—Definition and form of arbitration agreement

Clause 7 defines an arbitration agreement as an agreement by the parties to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not. An arbitration agreement must be 'in writing'. The proposed section makes it clear that 'in writing' has an expanded meaning. An agreement may be concluded orally, by conduct or other means, provided that its content is recorded in some form, including electronic communication. An agreement will also be in writing if it is contained 'in an exchange of statements of claim and defence in which the existence of the agreement is alleged by 1 party and not denied by the other'.

8—Arbitration agreement and substantive claim before court

Clause 8 requires a court before which an action is brought in a matter that is the subject of an arbitration agreement to refer the matter to arbitration if a party so requests in the circumstances specified in the proposed section. It also enables an arbitration to be commenced or continued while the issue is pending before the court.

9—Arbitration agreement and interim measures by court

Clause 9 enables a party to obtain an interim measure of protection from a court, before or during arbitral proceedings.

Part 3—Composition of arbitral tribunal

10—Number of arbitrators

Clause 10 enables the parties to determine the number of arbitrators and specifies that, in the absence of agreement between the parties, the default number of arbitrators is 1.

11—Appointment of arbitrators

Clause 11 allows the parties to agree on the procedure for appointing arbitrators. It provides a default procedure with ultimate recourse to the Supreme Court (or another court agreed by the parties as referred to in proposed section 6) if agreement cannot be reached or the agreed procedure is not followed.

12—Grounds for challenge

Clause 12 sets out the grounds on which the appointment of an arbitrator may be challenged. It obliges proposed arbitrators to disclose any circumstances likely to give rise to justifiable doubts as to their impartiality or independence. This obligation starts when a person is approached to be an arbitrator and continues throughout the person's appointment as an arbitrator. Clause 12(5) and (6) provide that the test for whether there are justifiable doubts as to the impartiality or independence of an arbitrator is whether there is a real danger of bias. This is based on the test for bias applied by the House of Lords in R v Gough [1993] AC 646.

13—Challenge procedure

Clause 13 provides that the parties are free to determine the procedure for challenging an arbitrator and provides a default procedure for challenging the appointment or continued appointment of an arbitrator in the absence of agreement for such a challenge. It also provides that if a challenge fails, a party may have recourse to a court to determine the matter.

14—Failure or impossibility to act

Clause 14 provides for the termination of the mandate of an arbitrator in certain circumstances.

15—Appointment of substitute arbitrator

Clause 15 requires the appointment of a substitute arbitrator according to the appointment procedure and any other eligibility requirements that were applicable to the arbitrator being replaced.

Part 4—Jurisdiction of arbitral tribunal

16—Competence of arbitral tribunal to rule on its jurisdiction

Clause 16 makes it clear that an arbitral tribunal is competent to make a determination as to whether or not it has jurisdiction to arbitrate a commercial dispute. It also makes it clear that an arbitration agreement may be severed from the contract in which it is contained (if applicable) so that it may stand independently. It expressly provides that any determination that the contract is invalid does not mean that the arbitration clause is invalid. The provision also enables a party to seek a ruling from the Supreme Court (or another court agreed by the parties as referred to in proposed section 6) from a determination of the tribunal that it has jurisdiction.

Part 4A—Interim measures

Division 1—Interim measures

17—Power of arbitral tribunal to order interim measures

Clause 17 confers power on an arbitral tribunal to grant interim measures (unless otherwise agreed by the parties) similar to the ex parte orders that could be obtained from a court during litigation prior to the final determination of a dispute for purposes such as maintenance of the status quo and preservation of assets and evidence.

17A—Conditions for granting interim measures

Clause 17A requires a party requesting certain interim measures to satisfy the arbitral tribunal (to the extent the arbitral tribunal considers appropriate) that if the measure concerned is not ordered then harm not adequately reparable by an award of damages is likely to result and that there is a reasonable possibility that the requesting party will succeed on the merits of the claim.

Division 2—Preliminary orders

Articles 17B and 17C of the Model Law are not adopted by the proposed Act but the clause numbering is retained to maintain consistency with the numbering of the Model Law.

Division 3—Provisions applicable to interim measures

17D—Modification, suspension, termination

Clause 17D enables an arbitral tribunal to modify, suspend or terminate an interim measure either on the application of any party or, in exceptional circumstances and having given prior notice, on the tribunal's own initiative.

17E—Provision of security

Clause 17E enables an arbitral tribunal to require a party that requests an interim measure to provide appropriate security.

17F—Disclosure

Clause 17F enables an arbitral tribunal to require any party to disclose any material change in the circumstances on the basis of which an interim measure was requested or granted.

17G—Costs and damages

Clause 17G imposes a liability on a party that requests an interim measure for any costs and damages caused by the measure to any party to the arbitration agreement, if the tribunal subsequently determines that it should not have granted that interim measure.

Division 4—Recognition and enforcement of interim measures

17H—Recognition and enforcement

Clause 17H provides for the recognition and enforcement of an interim measure issued under a law of this State, or an interim measure issued under a law of another State or Territory of Australia, in certain circumstances.

17I—Grounds for refusing recognition or enforcement

Clause 17I outlines the circumstances in which the recognition or enforcement of an interim measure may be refused.

Division 5—Court-ordered interim measures

17J—Court-ordered interim measures

Clause 17J makes it clear that the Supreme Court (or another court agreed by the parties as referred to in proposed section 6) has the same power to issue an interim measure in arbitration proceedings as it has in relation to proceedings in courts.

Part 5—Conduct of arbitral proceedings

18—Equal treatment of parties

Clause 18 makes it clear that parties must be given a fair hearing.

19—Determination of rules of procedure

Clause 19 provides that the parties are free to agree on the procedure to be followed by the arbitral tribunal and enables the arbitral tribunal to conduct the arbitration in such manner as it considers appropriate in the absence of such agreement. The clause specifies the powers conferred on the arbitral tribunal and provides that, by leave of the Supreme Court (or another court agreed by the parties as referred to in proposed section 6), an arbitral tribunal's order or direction may be enforced by a judgment being entered in terms of the order or direction.

20—Place of arbitration

Clause 20 provides that the parties are free to agree on the place of arbitration and enables an arbitral tribunal to determine the place of arbitration in the absence of such agreement.

21—Commencement of arbitral proceedings

Clause 21 provides for arbitral proceedings to commence on the date that a request for the referral to arbitration is received by the respondent. The clause applies unless otherwise agreed by the parties.

22—Language

Clause 22 provides that the parties are free to agree on the language or languages to be used in arbitral proceedings. Failing such agreement the arbitral tribunal is to determine the language or languages to be used. The agreement or determination applies to written statements and any hearing, award, decision or other communication of the arbitral tribunal unless otherwise agreed by the parties. The proposed section also enables an arbitral tribunal to make an order for documentary evidence to be accompanied by an appropriate translation.

23—Statements of claim and defence

Clause 23 sets out requirements with respect to statements of claim and defence. The clause applies unless otherwise agreed by the parties and is subject to directions of the arbitral tribunal.

24—Hearings and written proceedings

Clause 24 sets out the procedure for the conduct of the arbitral proceedings. Unless otherwise agreed by the parties, the arbitral tribunal is enabled to decide whether to hold an oral hearing or to make a decision on the papers and other materials submitted. The discretion to make a decision on the papers is limited in so far as the arbitral tribunal must hold an oral hearing if requested by a party, provided that they have not agreed beforehand that no hearings are to be held. The proposed section makes it clear that documents sought to be relied upon must be communicated to another party to the arbitration.

24A—Representation

Clause 24A enables a party to appear in person or be represented by any person of their choice in oral hearings of the tribunal.

24B—General duties of parties

Clause 24B imposes a duty on the parties to do all things necessary for the proper and expeditious conduct of arbitral proceedings.

25—Default of party

Clause 25 states the powers of an arbitral tribunal in the event of a party's failure to communicate a statement of claim or a statement of defence or to appear at a hearing or produce documentary evidence. The clause applies unless otherwise agreed by the parties.

26—Expert appointed by arbitral tribunal

Clause 26 empowers an arbitral tribunal, unless otherwise agreed by the parties, to appoint experts to report on specific issues determined by the tribunal, and if necessary to appear at a hearing for the purpose of examination. It also empowers the arbitral tribunal, unless otherwise agreed by the parties, to require a party to give information or to provide access in order to inspect documents, goods or other property.

27—Court assistance in taking evidence

Clause 27 enables a request to be made to the Supreme Court (or another court agreed by the parties as referred to in proposed section 6) by an arbitral tribunal or a party with the approval of an arbitral tribunal, for assistance in taking evidence.

27A—Parties may obtain subpoenas

Clause 27A enables the Supreme Court (or another court agreed by the parties as referred to in proposed section 6) to issue a subpoena requiring a person to attend the arbitral proceedings for examination, or to produce documents, on the application of a party made with the consent of the arbitral tribunal.

27B—Refusal or failure to attend before arbitral tribunal or to produce document

Clause 27B provides that, unless otherwise agreed by the parties, on application to the Supreme Court (or another court agreed by the parties as referred to in proposed section 6) by a party or the arbitral tribunal the court may order a person in default to comply with a subpoena or a requirement of the arbitral tribunal and may make consequential orders as to the transmission of evidence or documents to the arbitral tribunal.

27C—Consolidation of arbitral proceedings

Clause 27C enables the consolidation of certain arbitral proceedings. The clause applies unless otherwise agreed by the parties.

27D—Power of arbitrator to act as mediator, conciliator or other non-arbitral intermediary

Clause 27D provides that an arbitrator can act as mediator in the proceedings if the parties so agree. It also outlines the circumstances in which mediation can be terminated. This includes where any party withdraws their consent to the mediation. It also prohibits an arbitrator who has acted in mediation proceedings that have been terminated from conducting subsequent arbitration, unless the written consent of all the parties to the arbitration has been obtained.

27E—Disclosure of confidential information

Clause 27E provides for the protection of confidential information. Confidential information is defined in proposed section 2 as information that relates to arbitral proceedings or to an award made in those proceedings and covers documents associated with the proceedings such as statements of claim and pleadings, evidence supplied to the arbitral tribunal, transcripts of evidence, submissions and rulings and awards of the arbitral tribunal. The clause applies unless otherwise agreed by the parties. It prohibits the disclosure of confidential information by either the parties to the arbitration or the tribunal, except as allowed by proposed sections 27F-27I. Disclose is defined in proposed section 2 to include publishing or communicating or otherwise supplying confidential information. The provisions are adapted (with modifications) from similar provisions of the Arbitration Act 1996 of New Zealand.

27F—Circumstances in which confidential information may be disclosed

Clause 27F sets out the general circumstances in which confidential information can be disclosed by a party to the proceedings or the arbitral tribunal. These circumstances include where all the parties have consented, it is necessary for the establishment or protection of the legal rights of a party, disclosure is required by subpoena or a court order or where disclosure is authorised or required by another relevant law (including a law of the Commonwealth or of another State or Territory) or for the purposes of enforcing an arbitral award.

27G—Arbitral tribunal may allow disclosure of confidential information in certain circumstances

Clause 27G allows an arbitral tribunal to authorise the disclosure of confidential information in circumstances other than those mentioned in proposed section 27F at the request of 1 of the parties and only once the other parties have been heard.

27H—Court may prohibit disclosure of confidential information in certain circumstances

Clause 27H outlines the circumstances in which the Supreme Court (or another court agreed by the parties as referred to in proposed section 6) may make an order prohibiting the disclosure of confidential information on the application of a party and after giving all parties an opportunity to be heard. It requires consideration of whether or not the public interest would be served by disclosure or non-disclosure and whether disclosure is more than reasonable for the purpose. The proposed section deals with the situation where consent of all the parties has not been obtained under proposed section 27F(2) or where the arbitral tribunal refuses to make an order under proposed section 27G.

27I—Court may allow disclosure of confidential information in certain circumstances

Clause 27I outlines the circumstances in which the Supreme Court (or another court agreed by the parties as referred to in proposed section 6) may make an order allowing the disclosure of confidential information and sets out the matters the court must take into consideration before making an order.

27J—Determination of preliminary point of law by Court

Clause 27J enables a party to make an application to the Supreme Court (or another court agreed by the parties as referred to in proposed section 6), and confers jurisdiction on the court, to determine a question of law that arises in the course of arbitration, unless otherwise agreed.

Part 6—Making of award and termination of proceedings

28—Rules applicable to substance of dispute

Clause 28 enables the parties to choose the substantive law to be applied to the particular facts of the matter in dispute (as opposed to determining the arbitral law under which the dispute is resolved). It makes it clear that an arbitral tribunal is to make a determination in accordance with the terms of the contract, taking into account the usages of the trade applicable to it.

29—Decision-making by panel of arbitrators

Clause 29 specifies that a majority of arbitral tribunal members (if there is more than one arbitrator) is necessary to constitute a decision of the tribunal unless otherwise agreed by the parties.

30—Settlement

Clause 30 provides for the recording of a settlement between the parties in the form of an award.

31—Form and contents of award

Clause 31 prescribes the form and content of an award.

32—Termination of proceedings

Clause 32 describes the circumstances in which arbitral proceedings are terminated.

33—Correction and interpretation of award; additional award

Clause 33 enables the correction or interpretation of a provision of the award, or the making of an additional award. It makes it clear that any interpretation of the tribunal forms part of the award.

33A—Specific performance

Clause 33A enables an arbitrator to make an order for specific performance of a contract in circumstances where the Supreme Court would have power to do so, unless otherwise agreed by the parties.

33B—Costs

Clause 33B allows the arbitral tribunal (unless otherwise agreed by the parties) to determine costs (including the fees and expenses of the arbitrator or arbitrators) at its discretion and to direct that they be limited to a specified amount. A direction limiting the amount must be given sufficiently in advance for the parties to take it into account in managing their own costs.

33C—Application of Legal Profession Acts

This clause has been omitted as it is not relevant to South Australia, but the clause numbering is retained to maintain consistency with the numbering of the Model Law.

33D—Costs of abortive arbitration

Clause 33D enables the Supreme Court (or another court agreed by the parties as referred to in proposed section 6), to make orders with respect to the costs of an abortive arbitration.

33E—Interest up to making of award

Clause 33E provides for the imposition (unless otherwise agreed by the parties) by the arbitral tribunal of interest in an award for payment of money for the period before the making of the award.

33F—Interest on debt under award

Clause 33F provides for the imposition (unless otherwise agreed by the parties) by the arbitral tribunal of interest on the debt under an award.

Part 7—Recourse against award

34—Application for setting aside as exclusive recourse against arbitral award

Clause 34 outlines the circumstances in which an application to the Supreme Court (or another court agreed by the parties as referred to in proposed section 6) may be made for the setting aside of an award, or an appeal against an award, and the criteria to be applied. In particular it requires the court to find either that the subject matter of the dispute is not capable of settlement by arbitration under a law of this State, or that the award is in conflict with public policy. Section 19 of the Commonwealth Act declares that, for the purposes of the application of the Model Law by that Act, an award is in conflict with public policy if the making of the award was induced or affected by fraud or corruption or a breach of the rules of natural justice occurred in connection with the making of the award.

34A—Appeals against awards

Clause 34A enables an appeal to the Supreme Court (or another court agreed by the parties as referred to in proposed section 6) on a question of law, if the parties have agreed prior to the commencement of arbitration that such appeals may be made and the court grants leave.

Part 8—Recognition and enforcement of awards

35—Recognition and enforcement

36—Grounds for refusing recognition or enforcement

Clauses 35 and 36 establish a framework for the recognition and enforcement of arbitral awards.

Part 9—Miscellaneous

37—Death of party

Clause 37 outlines the effect that the death of a party has on an arbitration agreement.

38—Interpleader

Clause 38 makes provision for relief by way of interpleader.

39—Immunity

Clause 39 confers immunity on an arbitrator acting in good faith.

40—Act to bind Crown

Clause 40 provides that the proposed Act binds the Crown.

41—Court rules

Clause 41 enables rules of court to make further provision for giving effect to the proposed Act.

42—Regulations

Clause 42 enables the making of regulations.

Schedule 1—Related amendments and transitional provisions

Part 1—Preliminary

1—Amendment provisions

Clause 1 is formal.

Part 2—Amendment of *Commercial Arbitration and Industrial Referral Agreements Act 1986*

2—Amendment of long title

Clause 2 proposes to amend the long title of the *Commercial Arbitration and Industrial Referral Agreements Act 1986* to reflect the proposed further amendments to that Act.

3—Amendment of section 1—Short title

Clause 3 amends the short title of the *Commercial Arbitration and Industrial Referral Agreements Act 1986* so that it becomes the *Industrial Referral Agreements Act 1986*.

4—Repeal of sections 3 to 56

Clause 4 repeals sections 3 to 56 (inclusive) of the Act as these provisions are to be covered by the proposed new *Commercial Arbitration Bill 2011*.

5—Redesignation of section 57

Clause 5 proposes to redesignate the regulation making provision of the Act as section 4.

6—Amendment, redesignation and relocation of Schedule 1 clauses 1 and 2

Clause 6 redesignates clauses 1 and 2 of the schedule to the *Commercial Arbitration and Industrial Referral Agreements Act 1986* as sections 2 and 3 of the *Industrial Referral Agreements Act 1986*.

7—Repeal of Part and Schedule headings

Clause 7 is a drafting amendment.

Part 3—Savings, transitional and other provisions

8—Savings and transitional provisions

Clause 8 contains transitional provisions.

9—Other provisions

Clause 9 provides that the regulations may contain provisions of a savings or transitional nature consequent on the enactment of the proposed Act.

Debate adjourned on motion of Mr Pederick.

SUMMARY OFFENCES (TATTOOING, BODY PIERCING AND BODY MODIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 April 2011.)

Ms CHAPMAN (Bragg) (12:14): I join with the Speaker in welcoming the Waldorf School representatives here today to listen to this debate. It is particularly important, as the Summary Offences (Tattooing, Body Piercing and Body Modification) Amendment Bill 2011 is a bill that affects them and the generation they represent. There is no question that every piece of legislation that we pass in this house, and ultimately through the parliament, has an effect on someone's life. That may be to restrict a power, enhance a power, restrict a privilege or a benefit, or to impose an obligation.

There are three fundamental things that we need to consider when we are passing legislation, whomever it affects, positively or adversely. One is that there must clearly be some benefit in our doing so. Sometimes that is assessed against there being some public good and, as a Liberal, that is a matter which needs to be consistent, in my judgement. If there is any restriction on an individual in any way, there must be some public benefit consistent with the principle that people should be entitled to do as they wish freely unless, of course, it causes detriment to others.

The second thing we must consider is that there is some justification that action by legislation is warranted, that there is some genuine mischief to be remedied or protected against. The third consideration really is a question of making sure that whatever we do introduce is valid and enforceable and does not, by its nature, produce a worse outcome or an alternative practice or procedure which is more detrimental to those whom the legislation attempts to protect.

It is with those points in mind that the opposition takes the view that, whilst there are some admirable aspects of this bill, the intent of the government, through the Attorney-General, to protect particularly minors and most specifically children under the age of 16 years against practices or procedures undertaken on them which are detrimental (and with which we may fully agree), the model that is introduced by the government, particularly relating to police powers and their extent under the definitions, is a matter of concern to the opposition and I will outline those in the contribution that I make.

The second aspect that I highlight in opening is that there are a number of other concerns that we have, particularly arising out of not this time the consultation by the government (because that has had a gestation period of about seven or eight years) but the fact that they will not tell us what has been said. It is one thing to have a consultation and to be informed and enlightened by the submissions that one receives under a consultation: it is another thing entirely to keep secret a number of those consultations and not allow them to be made available prior to the full debate on such an important issue, and I will address that again shortly.

In discussing any piece of legislation, I think one must identify any vested interest or potential conflict of interest that one has in contributing to the debate on a new piece of legislation, in this case, legislation to amend the Summary Offences Act. The Summary Offences (Tattooing, Body Piercing and Body Modification) Amendment Bill 2011 is intended to amend the Summary Offences Act.

First, I disclose that I have no body modifications that I know of. I am not sure what might have been done to me at the time of birth or prior to a stage of knowing but, as I am not a male child, I cannot think that there is anything (circumcision, or anything else) that I can disclose. There are no other body modifications that I can think of that come within this, except for ears being pierced. In that regard, for fear that I might be removed from my parents' will, I made sure that I was well into my twenties before I had that procedure undertaken. You will be pleased to know that this bill is not one that proposes to cover me as an adult or a child in respect of earlobe piercing.

I have one son who has a tattoo on his arm. I want to disclose that because I suppose it highlights one of the very different reasons that people have tattoos, and I think that is going to be important in this debate. My son has my late husband's signature tattooed on his underarm, and he did it within the first couple of years of my husband's passing. It was to be a permanent reminder to him of his father. It was his decision as an adult and one that I respect.

I think it illustrates that in the debate on this matter we need to understand that people have tattoos, or even body modifications or piercings, for lots of different reasons, and we must

remove ourselves from the concept that these types of practices are only done by drunken sailors who wake up the next morning and find they have a tattoo of a mermaid on their arm.

We also have to move away from the concept that all this is done purely for adornment primarily by prepubescent girls. We need to understand that there is a very broad spectrum in the community of people who undertake these types of procedures willingly, in the full knowledge of potential health issues that may arise from them, safely and after some consideration.

If I can start with the history of this matter, the bill itself was introduced on 6 April 2011. I think it is fair to say that the tattooing and body piercing aspects have been of longstanding interest to the Attorney-General, who participated in some earlier debates on the regulation of these practices. In 2002, he tabled a private member's bill, and in 2004 he moved for and chaired the House of Assembly Select Committee on the Tattooing and Piercing Industry.

I am not sure, because I have not read his report from that committee in full, whether it did develop any significant recommendations or call for submissions in respect of body modifications. Nevertheless, that latter subject is now, of course, a very significant part of the bill before us. It is, therefore, puzzling, I suppose, why it took until January 2011 before this bill was presented to a number of stakeholders, including myself.

At the time, I recall that the minister forwarded to me a letter, dated 12 January 2011, inviting me to comment on the draft bill to regulate the tattooing and body piercing industry. Interestingly, whilst the explanatory notes did refer to body modification, the letter did not. The letter suggested that the comments on the draft bill be sent to the tattooing and piercing consultation; there was no mention of body modifications. I am not saying that to reflect any criticism on the Attorney-General, but it is interesting that now what we have melted down in the final draft actually has a very significant role when it comes to body modifications.

It is puzzling to the extent that, ultimately, when the bill was presented in the parliament last month, we only did so after a report from late 2005—so, six years later we actually have this bill before the parliament. I have previously made comment adversely against the Attorney-General for his lack of consultation on a number of bills. I do not recant from that at all in any way, but what I do say in this one is that he made a significant effort personally as a backbencher to bring some of these concerns to the parliament. He acted on them and he chaired the committee, as I have indicated, yet, for six years we do not hear a thing out of this inquiry.

I find that rather concerning, particularly when, as Attorney-General (and previously as a matter of cabinet), he had an opportunity to present this material for consideration of the parliament. It just raises the question about what the Attorney or any predecessor was doing in that time, because there were clear recommendations out of the committee's report about what should be done, and some reform was clearly recognised requiring legislative amendment.

Nevertheless, all it does is to confirm to me that this was not an issue of high importance to the cabinet of the day, and, perhaps, it took the current minister six months or so to convince his new colleagues in his new position as Attorney-General that this bill did require some attention and that it was meritorious of progress; and therefore ultimately he was granted permission to issue it for consultation in January and then to progress the bill in April.

May I also say that, during that time (we are not sure when, although some information that has come to us suggests that an earlier draft had been submitted for consultation and submissions received), a number of areas of the proposed draft bill of the Attorney-General were abandoned. On 6 April this year, when the minister announced that he was going to introduce this legislation (finally), he did say that the consultation resulted in some changes.

In fact, there was a pulling back, I suppose, from a number of areas of proposed imposition after that consultation, one of which was the removal of the proposed ban on the tattoo or body-piercing studios accepting deposits. I can only assume that the intent of the government to try to ban the taking of deposits was in some way to cause the proposed purchaser of the service from committing to proceeding with the procedure at some later time, and that in some way this would help to diminish their commitment to proceed and would make it easier for them to pull out of the proposed procedure.

What is also interesting, I think, is that, apart from the prohibition on deposits, another interesting aspect was abandoned, and that was the mandating of the cooling-off period—the concept being, as I understood it, that the government was proposing to introduce the requirement (a bit like when you buy a house) that you are entitled to a cooling-off period.

The acquisition of a home is such an important purchase, often for the benefit of providing a residence for a family and often the only piece of real estate that many people acquire. It is a big purchase. It is often the biggest purchase in a household. It is so significant that we have, by law, a requirement that someone has the opportunity to go home and reflect on whether they can borrow the funds, whether it is, in fact, a financially secure move for them to make, whether it is affordable, or whether, in fact, they have consulted other members of the family who may decide that it was not such a smart idea. We afford them a cooling-off period for good reason.

I am aware that there has been some debate over the years—before I came into the parliament, and there may have been since—about cooling-off periods for motor vehicles, because they are also seen to be of significant value. Therefore, after looking at motor vehicles on a Sunday afternoon and being seduced into the purchase of one that you could not afford, when you get home and realise that it really was not a smart move, you should be able to withdraw from that. By having a cooling-off period, you would be afforded that opportunity. That, of course, has fallen by the wayside.

The cost of motor vehicles can range from $10,000, $20,000, $50,000, $100,000, or even more. I recently saw that *Top Gear* program where vehicles seem to be around the half a million dollars or more mark, and they race around in them in great fury. I am in no way an expert on fast cars, nevertheless, they come at a very high price, many of which seem to be of even higher value than housing. That is an issue I do keep a close eye on. So, there may be some argument for having a cooling-off period on cars. The industry of the day certainly made supportive, cogent and persuasive arguments to the effect that that would be unreasonable because, come Monday morning, after everybody had gone out and signed up for their lovely new car, there would be a massive amount of paperwork in order to undo these contracts for the purchase of a motor vehicle; therefore, that was never imposed.

Apart from a home—a property—that you are about to buy, I do not actually know of any other area where a cooling-off period is expected. However, through some flash of enlightenment of the Attorney-General, or someone in his cabinet perhaps, it seems that he felt it was necessary to propose that we have mandatory cooling-off periods for tattooing. If I went in to have the top of my ear pierced, that would mean I would be able to contract to have that piercing done—or my navel, nose or some other place of adornment—

The Hon. J.R. Rau: It is only for tattoos.

Ms CHAPMAN: Just for tattooing. So, a little tattoo above the eyebrow or on the ankle—

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: Yes, any kind of tattooing. I could tattoo 'I voted Liberal' on me somewhere. I would be entitled to a cooling-off period. Presumably I would receive notices and forms stating that I would be entitled to do this, and I could contact the prospective tattooer at a later time (within the time period) and say, 'That's it; I've changed my mind. I'm not actually going to have that tattoo done,' or, if I am, I am going to have it done by somebody else. But I can cool off on the contract.

I do not know what sparked this genius on the part of the government relating to tattoos. They are illegal for anyone under 18 already, so we are only talking about adults being entitled to have a cooling-off period for tattoos. The only other thing that I know of that has a cooling-off period is a house purchase. There may be something else. I would be very interested to hear from the Attorney why this would ultimately be of benefit and whether all of the form filling and everything else would be justified. Why should this industry be plucked out of obscurity as the only other industry which would be required to give all these notices and then cancel all of these contracts with a cooling-off period. In any event, no doubt some spark of brilliance was ignited by someone. Fortunately, smarter, greater, better minds were persuaded, with the opportunity of consultation, to convince the government that this was absurd—absolutely absurd—and that they should withdraw it from their proposal.

Fortunately, for once the government listened. I think they would have been made a laughing stock if they had actually come into the house with that proposal in it. If they had come in here and suggested that an adult getting a tattoo was entitled to a three-day or whatever cooling off period, the same as if you were purchasing your family home, they would have been laughed out of this parliament. Perhaps it was the wisdom of the Attorney-General convincing other colleagues that it was a ridiculous idea in the first place; if it was his own idea, perhaps some fortunate recognition of the error of his own judgement weighed upon him to ensure that it was remedied.

Nevertheless, another aspect was that it was proposed that there be a ban on under 18s from all piercings except nose, navel, eyebrow, and other ear piercings, with parental consent. That aspect has also been substantially modified in the bill that is now before us. I will not repeat what I said about cooling-off periods, but it does seem to me that, fortunately, there was some lightning bolt of realisation of the absurdity of what was being presented and therefore there was some modification before introducing the final bill to the parliament.

This is what consultation is all about. It is very important to have consultation and to listen. I will be canvassing a long list of other things we know about that the government did not listen to as a result of the consultation period. I will be canvassing those, but what I want to bring to the attention of the parliament at the moment is what has actually happened in respect of the consultation submissions. Before I do, let me just outline, as some summary for the purposes of the following our side of the debate on this matter, what is going to happen with this bill in the sense of what is lawful, what is unlawful and what circumstances and conditions are imposed for it to be lawful for certain age groups.

Firstly, on tattooing, it is important to remember, that part 4 of the Summary Offences Act already contains a very brief provision that restricts people under the age of 18 in South Australia from having any tattooing. That has been around since about 1980, so this has been the law for some 30 years.

Interestingly, with all of the radio coverage that the minister got on this issue—first, his announcement, his inquiry and other things—it was surprising often to hear people in the general public saying, 'I thought tattooing for under 18 year olds was already illegal. What's he on about?' Well, it clearly is—it has been for 30 years. That just shows the capacity, perhaps, of the Attorney-General to present some kind of fear to the community of something that was actually already well and truly protected.

No doubt, as we look through his media releases, and even the second reading to this parliament, there was an attempt, I think, by the government to exaggerate the fear in the community by leaving them with the impression that, without the Attorney-General championing this amendment, in some way the children of South Australia were going to be exposed, including exposure to tattooing. That is a complete nonsense because it is already unlawful to undertake tattooing.

Mr Piccolo interjecting:

Ms CHAPMAN: I can get a lot pricklier. So, the bill does not do anything about that at all. What is also interesting is that industry sources that we have received, and I will come to what the government has told us at a later date, is that they believe there are only three known cases of underage tattooing reported to police since 2004, and none of them had been by professional operators; that is, they were in some way done by a backyard operator, as it is commonly described, and not by a professional outlet.

As to the piercing situation, for body piercing the current law is completely silent in relation to any kind of regulatory practice. I should also say that there is no licensing of the industry in this regard and it is fair to say that body piercing, as distinct from tattooing, is something which, I think the Attorney would agree, is undertaken by a very wide spectrum of providers. These are people who are professional in beauty therapy and hairdressing, in outlets which provide for amenity enhancement for young women in particular, but increasingly young men—

Mr Piccolo interjecting:

Ms CHAPMAN: I am not getting into that. I am not talking about your interests, or what you are bragging about. I am talking about outlets being a much broader level of service providers in the community. Whereas, and again I am no expert on tattooing but I understand that those who are tattooists are either individual operators or operate from a facility and they have a special skill of which they undertake their treatment. You do not find them sitting next to the nail polish girl in the hairdresser and you do not find them sitting next to the leg waxing provider (male or female) in the beauty therapist parlour, you find them in discrete facilities, and, as best I know, there is no regulation of the industry in that regard.

Essentially, the bill proposes three levels of piercing. One is the intimate, which is, obviously, the genitalia and anal region, a number of areas, including the nipples, which are specific areas of the body which, I think it is fair enough to say that we would all agree, are areas of

some privacy and sensitivity and the exposure of them is frequently, in our own law, prohibited. We have special rules about the access to or exposure of these areas, even during procedures.

We have guidelines, even for medical practitioners, to ensure that when these parts of the body are exposed, even in the presence of a medical practitioner, that a nurse be present, and other things. So, we actually have an area which, I think, across the board we acknowledge is an area of sensitivity and of which, therefore, the bill proposes that anybody piercing in this area for 0 to 17 year olds, and that is 17 years 11 months and 29 days (or whatever), is absolutely prohibited.

The Hon. J.R. Rau: That's not a problem, is it?

Ms CHAPMAN: I am just identifying at this point what the bill states. The second thing is that if you are 18 or over and you find some merit in this area of your body being pierced you can do it with consent.

The Hon. J.R. Rau: No; you can do it, full stop.

Ms CHAPMAN: Yes, with your own consent. So, all you have to do is to be of sane mind and sober, walk into the place and say, 'I want 10 pins put in my nipples,' if you want to. I am at a complete loss as to how these piercings in these areas add to attractiveness, stimulation, benefit or whatever, to be honest, but there may be people who will come into the house to explain to us why these are something that is attractive to some people to do, or that there is some benefit to enhance some value of that area of the body. I do not know.

Members interjecting:

The DEPUTY SPEAKER: Order! Excuse me, member for Bragg. I know that the small boys sniggering in the room are very excited because you are talking about body parts. However, it should be pointed out that the member for Bragg is making a serious speech and we should be able to listen to her in silence, without the sniggering.

Ms CHAPMAN: Thank you, Madam Deputy Speaker. I am sure that your experience as a former school teacher, trying to manage children dealing with sex education lessons, was exactly the same. People just do not appreciate the significance of what we are discussing. I simply place on the record that I will not be discussing this at any length, because I have no expertise in it. I have no idea what the benefit is. I will be listening with interest to other members who might identify what the benefit is.

One of the reasons it is important that we understand it is because we are suggesting that this is a practice that is of some detriment to people up to the age of 18 years. We are going to pass a law that says that it is prohibited, so there must be some detriment to it. I am yet to hear the advantage of it so that we can consider, as we need to do with any legislation, why we are continuing an 18 or over own consent. I would be interested to hear that.

When we get to the non-intimate piercings—and more particularly the earlobe, which is now to be excluded in this bill, of there being any age restriction on having that done—it seems to me that wherever there is a body piercing, if it is not done safely, hygienically and in a circumstance where it is competently done, then we can have problems. It does not matter whether it is in an earlobe or in a nipple, we are going to have health problems, as is already evident with those who turn up to seek medical treatment, particularly in circumstances where there has been a backyard job done.

I want to get through the three levels of piercing. We have the intimate and the age differentiation as to where it is prohibited and where it is able to be done of their own volition. Victoria, Queensland and Western Australia all have this approach. Then we get to the non-intimate piercings—that is the tongue, cheek, nose, navel, eyebrow, neck and so on. I presume it means everywhere else on the body, except where it is defined as intimate, and except an earlobe.

The Hon. J.R. Rau: Correct.

Ms CHAPMAN: I am not quite sure why the definition is drafted that way for non-intimate. Nevertheless, I think that is where we are at. As I understand it, it is predominantly used by proponents of piercing in facial areas. It is not common, necessarily, for piercings to be on hands or feet, but they can be on ankles, belly buttons, faces and the like.

There was an article written this year in *The Advertiser* by Mr Daniel Wills. He was talking about the government's announcement to introduce new piercing laws and a display photograph

was published of what I assume to be a male, because he has a pretty hefty beard for a female, where there was something like 60-odd studs pierced into this person's face, for whatever reason—I do not know. Apart from the studs, there were some spikes, nose rings, lip rings and earrings.

Assuming the person displayed is over the age of 18 years, he can continue to do all of this after this legislation is passed, except for one thing. There is a body modification for a massive earlobe ring to be inserted inside the earlobe, which modifies the body to the extent that it provides a massive hole in the earlobe. I am sure other members have seen this, as I have, in other cultures where there is a massive hole produced in an earlobe, in lips or in tongues, predominantly headwear in some African cultures. Again, I am not entirely cognisant with why that is a practice undertaken in those cultures, but nevertheless it is something that is seen as some considerable adornment.

I make the point, though, that whilst there is a restriction on under 18 year olds having piercing in intimate parts (that being prohibited) if you are over 18 you can still have it done wherever you like, provided that you obviously want to do it and that you are of sound mind and competent to make that decision. So, this situation can continue to be repeated.

The new rules provide that if you are under 16 (that is, 0 to 15) you will need your parents' or guardian's consent. I think the 16, not 18, needs to be explained. The government suggests that it is because that is the age of consent that is consistent with the medical treatment provisions we have currently (I think it is the Consent to Medical Treatment and Palliative Care Act), where a 16 year old has the power to go to their doctor and seek and receive medical treatment and provide consent to an examination, the provision of a prescription or a procedure being undertaken.

I can remember the very controversial discussion, pre my time in parliament, of girls wanting to have access to the contraceptive pill. They did not want to tell their mother, and they wanted to go off and get some kind of medical advice on these matters, and sometimes a prescription for the contraceptive pill, in a time when that was quite controversial. I think there had been a couple of meetings of the papal bodies in the Vatican to suggest that it was not allowed, and all sorts of things—these were all very controversial issues of the day.

We had, coming up against each other international rights of children and conventions, some friction against domestic laws about how we might best safely keep children open and available for medical treatment if their parents or guardian were unwilling or unable to provide them with advice or medical treatment access or consent and, secondly, balance that against the parental responsibility they otherwise had.

Contraception might have been the pointy end of the issue, but it was also important that if a child, for example, at 15 or 16 started to develop issues that needed medical attention or medical advice, and for whatever reason their parent or garden were not taking them to get that advice, that could have very significant detriment.

I can only think of young girls in a situation where they might have contracted some contagious disease that might later affect fertility. There are aspects like that that do need to be monitored, and that legislation, that is, the consent to medical treatment and palliative care, gives access to 16 year olds to be able to access that. It protects the medical profession, particularly, against any claim or prosecution for executing their obligation as a medical practitioner to provide advice and safe procedure to keep them healthy.

Finally, the earlobe—which, as I say, is completely within its own category—is not the top of the ear, the back of the ear, or the inside of the ear, but the earlobe itself. Anyone can do it any time, it seems, and that is a matter which I flag and one which has attached to it a number of aspects we are still not entirely happy with. We do not discount the assertion by the government that this is a common practice. We do not reject or discount that it is something which is seen as acceptable across a broad spectrum in the community.

In fact, I think it is fair to say that we live in a multicultural community where ear piercing at a very young age for children has been quite a common practice. It is not uncommon, of course, to see these little children with studs in their ears while they are still in nappies. I have not noticed it so much in boy babies, for some of those cultures, but certainly for female children it is common and is something that is pursued by that culture. I am sure the Deputy Speaker would have people in her own electorate who advocate that practice.

It is also one which the Attorney-General asserted in his second reading, I think—it may have just been in his press releases—that we do not challenge. The part of the body through which the earring, stud, spike or whatever is inserted—the post, yes, the post of the actual earring—is one which has no bone, no cartilage and limited blood vessel supply. Again, I do not know the anatomy of the ear lobe, but I have no reason to doubt that that is the case. I am not sure what other parts of the body that also applies to. If that is going to be a basis upon which to allow anyone at any age to have their ears pierced, then perhaps we should be looking at other parts of the body that have the same features.

Perhaps the Attorney-General can enlighten us in due course as to whether there are any other parts of the body that do provide that. Not that I think for a moment that even if we find some spots like that that we should be suggesting that five year olds should be able to leave their primary school and go off and have whatever portion of the body is—

The Hon. J.R. Rau: I think toenails—

Ms CHAPMAN: Toenails, the Attorney interjects. That is possible; fingernails or toenails. I am not quite sure how much blood supply is actually in the nail itself, but I have no doubt he will enlighten us in due course.

The other aspect is the body modification. Although this is markedly absent from the initial consultation, it is one which it seems that somebody on the other side of the house has stumbled across as being important. There is no question that it is now frequently brought to our attention as an activity that is I would not say prevalent out in the community, but which is undertaken by a good number in the community. Body modification is defined as incorporating the tattooing that we referred to, body branding, body implantation, ear lobe stretching, body scarification and other prescribed procedures. Any of these actions are now going to be prohibited on anyone under the age of 18 years. All these categories are now the same as what it has been for tattoos, that is there will be a ban on those as any permanent alteration of the body. I seek leave to continue my remarks.

Leave granted; debate adjourned.

[Sitting suspended from 12:59 to 14:00]

FORESTRYSA

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition): Presented a petition signed by 1,368 residents of Mount Gambier and greater South Australia requesting the house to urge the government to take immediate action and stop the forward sale of harvesting rights of ForestrySA plantations.

DIAGONAL ROAD OVERPASS

Dr McFETRIDGE (Morphett): Presented a petition signed by 88 residents of South Australia requesting the house to urge the government to construct an overpass at the Diagonal Road, Oaklands Park railway crossing to improve traffic flow and increase the safety of pedestrians.

EATING DISORDER UNIT

Dr McFETRIDGE (Morphett): Presented a petition signed by 71 residents of South Australia requesting the house to urge the government to provide a dedicated medical team and facilities at Flinders Medical Centre to deal with eating disorders that is separate from general psychiatric facilities.

HACKHAM SOUTH-EAST DEVELOPMENT

Mr BIGNELL (Mawson): Presented a petition signed by 53 residents of South Australia requesting the house to urge the City of Onkaparinga to finalise the Development Plan Amendment for the Hackham South East Development of precinct 1 and begin development.

VISITORS

The SPEAKER: I draw your attention to the presence in the gallery again of the Waldorf School, who are guests of the member for Kavel. They are here for question time. We hope you

enjoy your time here. We also have a group from an English language centre who are guests of the member for Adelaide. Welcome to you, also, and we hope you enjoy your time here. Our members will be very well behaved for all of you, I am sure.

LEGISLATIVE REVIEW COMMITTEE

Ms THOMPSON (Reynell) (14:03): I bring up the 23rd report of the committee.

Report received.

QUESTION TIME

ROYAL ADELAIDE HOSPITAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:03): My question is to the Minister for Health. Now that the minister has the Macquarie Bank prospectus on the new Royal Adelaide Hospital, will the minister confirm that the cost of the new Royal Adelaide Hospital is, in fact, $2.73 billion?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:03): I thank the member for that question. She starts with an assertion which is false. I don't have the document that she refers to.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I don't have the document that she refers to. I understand that the document that she refers to is a prospectus that was put out by Macquarie Bank and given in confidence under signed agreement by a number of people. Amongst those people is included Dr Jim Katsaros, the head of the Save the RAH committee.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: This is the same Dr Katsaros who campaigned at the last state election against the Royal Adelaide Hospital who got—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: I rise on a point of order. The question was plainly about the confirmation by the government of the numbers in the document. It has nothing to do with speculation of where the document might have come from.

The SPEAKER: Sit down member for MacKillop. I don't uphold that point of order; I presume it was relevance you were talking about. I think the minister's answer was self-explanatory about why he is not agreeing with or confirming the numbers.

The Hon. J.D. HILL: Thank you, Madam Speaker. The question made an assertion that I have the document. I was explaining the provenance of the document, which would be that if I had been given a copy of the document—which I have not—I would be duty bound to hand it back to Macquarie, because it is under some sort of confidentiality agreement. I understand—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —that Mr Katsaros had a copy—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Of course, the Leader of the Opposition in the other place held a media conference last week, talking about this document. That was an act of brilliance on his part because he was asked where the document was and he couldn't answer that question. So, one hopes—

Mr WILLIAMS: Point of order. At this stage, Madam Speaker, I am sure you will agree with me that this has no relevance to the question about whether the billion dollar blowout—

The SPEAKER: Sit down, member for MacKillop; I understand your point of order. It is straying very close to irrelevance. Minister for Health, back to the question.

The Hon. J.D. HILL: I was responding to an interjection, Madam Speaker. Perhaps if the opposition did not interject they would not be—

Members interjecting:

The SPEAKER: Order! Do you want to hear the answer to the question or not? We will move on.

The Hon. J.D. HILL: If the opposition has a copy of the document, once again I would say to them, 'Please table it here, if you have a copy.' But if they have a copy of the document they would know, as I understand from a media report today, that the document shows the construction costs of the Royal Adelaide Hospital, according to Macquarie, to be $1.78 billion. The construction costs would be $1.78 billion. The snitch on the other side—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —the member for Davenport, the class snitch, has made a claim in here which is manifestly untrue. The construction costs, according to the Macquarie document, as reported in the media today, were $1.78 or $1.8 billion. So the snitch from Davenport, who continually interjects, is wrong. Now, let me give the house—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Let me give the house an example, which might put it into language that everybody in here can understand. When someone buys a house, you talk about the costs of the construction. So, you go to a building company and say, 'How much will it cost to put a house on this property? What is the construction cost?' Let us say that it is $200,000; let us say that you own the land and you ask to build a house for $200,000—if you can get a house for that price these days. You then go to the bank and seek a mortgage. If you took out a 35-year loan with the bank at an interest rate of, for example, 7 per cent the total interest payable on a $200,000 mortgage over 35 years would be $336,000.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: We all know that if you build something you have to pay for the cost of finance. We also have to pay for a whole range of things in relation to this project, because what we are doing with the PPP is bringing onto the table, in advance, the cost of maintenance, the cost of cleaning, all the costs associated with the non-clinical side of the operations. The opposition knows this; it is deliberately trying to confuse and mislead the public, because that is the only thing it has expertise in. It knows how to confuse. The opposition lost on the oval development yesterday, and it will lose on the Royal Adelaide Hospital. This is a good development for South Australia. The details of the costings will be made absolutely clear to the public once the contract has been signed. The information, which will be available through Treasury, will be made completely available—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —to the public, and everybody will know that the opposition—

Mr Williams interjecting:

The SPEAKER: Order, member for MacKillop!

The Hon. J.D. HILL: Everybody will know that the opposition has been gilding the lily on this.

ROYAL ADELAIDE HOSPITAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:08): I have a supplementary question. If the minister wants to argue that the $2.73 billion cost includes non-construction items, why then, when he announced the $201 million Lyell McEwin stage 3 redevelopment, the $128 million Glenside development, or The Queen Elizabeth Hospital stage 2 redevelopment, why, on those occasions—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: Why, on those occasions and others, did the minister announce those inclusive of the construction and non-construction costs?

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:09): Madam Speaker, I think the opposition leader is unaware—

Members interjecting:

The SPEAKER: Order! Minister, sit down until we have some quiet in here.

Members interjecting:

The SPEAKER: Order, the member for MacKillop!

The Hon. J.D. HILL: Madam Speaker—

Members interjecting:

The SPEAKER: The Leader of the Opposition! Minister, sit down. Members on my right will not heckle the opposition. Members of the opposition will not respond or heckle the government.

The Hon. J.D. HILL: The opposition leader doesn't understand the way these projects are constructed.

Mrs Redmond: I understand how you hide figures.

The SPEAKER: Order, the Leader of the Opposition!

The Hon. J.D. HILL: Madam Speaker, that's a reflection on me and I would ask the Leader of the Opposition to withdraw it. We are not hiding figures at all. I am trying to give an honest account to the parliament. I am continually interjected upon and there is just nonsense coming from the other side, Madam Speaker.

The SPEAKER: I didn't hear what the Leader of the Opposition said because of the other noise that was coming from her side. However, I would ask the Leader of the Opposition to withdraw whatever she said.

Mrs Redmond: No, Madam Speaker, I won't.

The SPEAKER: I would ask the Leader of the Opposition to withdraw what she said.

Mrs Redmond: I didn't make any comment that was disparaging to the minister.

The SPEAKER: Then I would ask the Leader of the Opposition what she actually did say.

Mrs Redmond: I said—

The SPEAKER: Stand up.

Mrs REDMOND: I said that he was good at hiding figures, that I understood how he hid figures.

Members interjecting:

Mrs REDMOND: Yes; I understood how he hid figures.

Members interjecting:

The SPEAKER: Order! I still haven't heard what the Leader of the Opposition said.

Mrs REDMOND: To the best of my recollection, Madam Speaker, the minister said that the Leader of the Opposition didn't understand and I said, 'I understand how you hide figures' or words to that effect.

The SPEAKER: 'How you hide figures.'

The Hon. J.D. HILL: Madam Speaker, I will take that as a withdrawal because she has changed her position.

Members interjecting:

The SPEAKER: Order! Minister, continue your answer.

The Hon. J.D. HILL: They're crazy people! The question was really: is the RAH figure comparable to the figures for public hospitals that we build ourselves rather than through a PPP arrangement? The figure of 1.78 was the figure that was in the media today—1.8, I think, in the Auditor-General's Report. The initial estimate was 1.7 billion. I briefed the Leader of the Opposition and other members of the opposition on where we got the $1.7 billion figure from. That included design and construction, a whole range of fees. It included—

Mrs Redmond interjecting:

The Hon. J.D. HILL: Madam Speaker, it is very difficult to resist the temptation to retaliate when one is interjected upon with nonsense. I am trying to give an honest account to the parliament of what is happening.

An honourable member: Get on with the answer.

The SPEAKER: Order!

The Hon. J.D. HILL: Gutless lot over there, they are, Madam Speaker—absolutely gutless. Absolute cowards. As I said, as soon as the Leader of the Opposition became the Leader of the Opposition, I offered her a briefing. She came into my office with one or two of her staff. I went through the estimates that the government had for the construction of the Royal Adelaide Hospital site, and I said the figure of 1.7 that we were using as the estimate included a whole range of figures, including escalation and, when we build a hospital like the Lyell McEwin or the Flinders and so on, all those things are taken into account. What we don't do when we announce the Lyell McEwin, The QEH or any other major government project which is done by conventional procurement is include the cost of finance—

Mrs Redmond interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: It does not include the cost of finance; it does not include the cost of maintenance; it does not include an element for risk; and it does not include all the other issues associated with the running of the project. The amount that was given for the Royal Adelaide Hospital is exactly comparable to the figures, as I understand it, for every other project that we announce. The final figures for the PPP will include a whole range of other factors—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —that are not normally brought to account in advance by government, but they are still paid by government. The finance costs are paid through Treasury; they are not paid through the health budget. The maintenance costs get paid through Health over a period of time. The delivery of non-clinical services is paid by the health department. In the case of a PPP, all those figures are brought to account at the very beginning and then—

Mrs Redmond interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Minister for Police will be quiet.

The Hon. J.D. HILL: If the Leader of the Opposition has the Macquarie document, I understand that document shows the design and construction cost of the Royal Adelaide Hospital is about $1.8 billion. There are other figures associated with it which I do not have in front of me because I have not seen the document, but the design and construction costs are pretty much in line with what the government said in the very beginning.

HECTORVILLE SHOOTING INCIDENT

Ms THOMPSON (Reynell) (14:15): My question is to the Premier. Can the Premier update the house on the condition of the two police officers who were the first to arrive at the scene of last week's tragic shooting at Hectorville?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:16): I want to thank the honourable member for her question. I am also aware of a very close family member of the honourable member who is a member of the police and, of course, whenever there is an incident or a tragedy like this, people like the honourable member, with family in police uniform, are obviously very concerned for their wellbeing.

Last week, in the early hours of Friday morning, police were called to a residential address in Hectorville as a result of a 000 call. The initial call was made at 2.28am and it took just 99 seconds from the task being dispatched for the first patrol to arrive at the scene. Upon arrival, two young constables were confronted by a male armed with a gun. Shots were fired, resulting in one of the officers receiving a serious gunshot wound to the face. The officer who received the gunshot wound was taken to the Royal Adelaide Hospital with serious facial injuries, while the second officer received a knee injury.

I am able to advise the house that doctors are pleased with the progress of the constable who was shot. Since Friday, doctors have conducted surgery including craniofacial surgery and surgery to his arm, which was lacerated in the incident through contact with a broken glass door. I understand that, although he has been in an induced coma, he was briefly awake earlier this week and responded to nursing staff and showed an awareness that he knew where he was. While he will remain in an induced coma for the next day or so, his medication has been adjusted to reduce the depth of that induced coma.

This morning I spoke to the father of the constable who was shot, as well as to the officer who suffered a knee injury during last week's incident. It is greatly upsetting to see any officer injured in the line of duty. Incidents such as these are a reminder of the daily dangers confronting our men and women in the South Australian police force. We are extremely fortunate to have so many men and women who put their lives on the line every day in the pursuit of helping and protecting our community. Their dedication and willingness to risk their individual safety allows us all to carry on our lives confident in the blanket of security their service provides.

I want to extend, on behalf of the government, on behalf I am sure of all members of this parliament, and on behalf of the people of South Australia, our gratitude to the two police officers involved in last week's incident. I am told by the Deputy Commissioner of Police that their courage may well have averted further loss of life. I also want to extend my gratitude to our thousands of dedicated men and women officers who are on the front line day in, day out showing courage, professionalism and commitment in order to keep the people of our state safe. The state government appreciates and understands the crucially important work that you do.

Also, I want to extend my sympathies, our sympathies, to the family who lost three members during the tragic events in the early hours of Friday morning. Our thoughts are with them during this terrible time. As I said to the father of the police officer shot in the jaw, 'Please know that all of us are thinking of him and his family and that all of us are proud of his work, his bravery and the common sense he showed in saving lives of others.' When I spoke to the second officer, I said the same thing, 'All of us are proud of what you did and all of us are proud of what you do for us on a daily basis.'

ROYAL ADELAIDE HOSPITAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:20): My question is again to the Minister for Health. Will the minister confirm that the new Royal Adelaide Hospital has a total cost to the taxpayer of around $11 billion?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:20): As I have said repeatedly, we will be giving all of the information about the costs—both the construction costs and all of the other costs associated with the Royal Adelaide Hospital over a 35-year period contract—once we have signed the contract and once we have settlement as to what the costs are. We are not yet in the position where we can do that.

However, I can confirm that it is a 35-year contract and we will be paying a sum of money to the company that we have the contract with, because it will cost a sum of money each year to provide a whole range of infrastructure services—as we do at the current Royal Adelaide Hospital and every hospital. However, this money will be up-front, we will know in advance how much it is, and it will be fixed over the course of the contract. That is a good deal for South Australia. We will be clear. All of the taxpayers will know.

I know that the member for Davenport put out a press release that did not get much coverage (I think *InDaily* might have run it, the in-house newspaper) about a month or so ago saying it was going to cost $11 billion. Earlier today the opposition said it is going to cost $2.7 billion. I think the opposition needs to get its lines right. If they are going to claim that there is a cost overrun, they had better be clear what that figure is. The reality is that the design and construction and all the elements associated with the construction will be a particular cost; there will be other costs associated with finance; there are other costs associated with maintenance; other costs associated with the delivery of non-clinical services; and costs associated with the risk.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: All of those figures will be given to the public. You bring all of those figures together and that is the cost of the project over 35 years. That is not a blowout. That is the real cost of looking after a hospital over 35 years.

To put this in perspective for members, the current health budget is about $4.5 billion. It will be going up in the next budget. I am not sure precisely by how much but, no doubt, the Treasurer will tell me: if there is any change out of $5 billion, I will be surprised. Just to give us an easy figure, let us say the annual health budget in South Australia is $5 billion. Over the course of the next 35 years, if there was no inflation of that health budget, we would be spending $150 billion-plus on health services in South Australia. So, when we start talking about how much the cost of running the Royal Adelaide Hospital is as a proportion of that, it is going to be a relatively small proportion.

An honourable member: So, is it $11 million?

The Hon. J.D. HILL: All I can say, Madam Speaker, is the cost will be made apparent once we have the figures before us. We currently do not have that. The opposition is relying on some estimates, as I understand it, that came from the Macquarie Bank. The member for Davenport came up with a similar figure. I do not know what information he had and which doctors he had been talking to, but, obviously, if you take into account the financial cost and the running cost for 35 years, it is going to be a lot more than the construction cost. You do not have to be a genius to work that out. That is not a blowout: that is the real cost associated with delivering that hospital over a period of 35 years.

What if we brought to account the real cost of running the existing Royal Adelaide Hospital over 35 years? How much would it cost to clean it, repair it, maintain the buildings, run the car park and run the caretaking? If you add all of those costs together, then you have a real point of comparison. You cannot just say, 'We are going to compare the construction costs of one with all the operating costs of another.' It just does not make sense. Even the opposition, despite their lack of economic know-how, should understand that.

Members interjecting:

The SPEAKER: Order! The member for Bright.

CARRAPATEENA DEPOSIT

Ms FOX (Bright) (14:24): My question is to the Minister for Mineral Resources Development. Can the minister please advise the house about the latest developments for the sale of the Carrapateena site?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Mineral Resources Development, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services) (14:24): A sale and purchase agreement was reached between OZ Minerals and vendors Rudy Gomez Tech Australia Pty Ltd and other minorities in March in relation to the Carrapateena project. Today, Madam Speaker, I want to inform the house that ministerial consent has been given for the transfer of exploration licences covering the Carrapateena project near Port Augusta. This is another significant step in the process of transferring full ownership of the Carrapateena deposit to OZ Minerals.

The Carrapateena deposit is an iron oxide, copper-gold uranium deposit. In terms of mineralisation, OZ Minerals draws comparisons between Carrapateena and its current Prominent Hill deposit. I have been informed that OZ Minerals and the vendors are nearing completion of the other requirements outlined in the sale and purchase agreement, and it is anticipated that settlement for the transaction will take place very, very soon.

OZ Minerals Managing Director and CEO, Terry Burgess, said in his ASX release on Monday:

> We have commenced recruitment and are delighted again with the efficiency and professionalism of our dealings with the South Australian government.

This is another firsthand example, of the Rann government's strong commitment to the resources sector and our preparedness to work closely with the industry, to encourage exploration and development activity and to create a climate of investment certainty.

One of the driving forces behind the resurgence of mining in South Australia has undoubtedly been the Plan for Accelerating Exploration, better known, of course, as the PACE initiative. PACE has been recognised worldwide as one of the most innovative government schemes, and it has directly contributed to the surge in mining exploration and the identification of many new mineral deposits. They include—

Mr Williams interjecting:

The Hon. A. KOUTSANTONIS: Well, you're the only man in the world who says that. They include the Carrapateena copper and gold deposit in our state's north.

Mr Williams interjecting:

The Hon. A. KOUTSANTONIS: I think that the shadow minister's interjections say more about him and his relationship with the mining industry than anyone else. This project is located 130 kilometres north of Port Augusta and 250 kilometres south-east of the existing OZ Minerals' Prominent Hill mine.

Members interjecting:

The SPEAKER: Order!

Mr Griffiths interjecting:

The Hon. A. KOUTSANTONIS: Thank you. It lies with the highly prospective Gawler Craton region of South Australia. OZ Minerals ranks Carrapateena as one of the largest undeveloped copper projects in Australia, despite what the Deputy Leader of the Opposition says. Now, I was—

Members interjecting:

The SPEAKER: Order! There is too much background noise. I cannot hear the minister. Minister.

Mr Pengilly interjecting:

The Hon. A. KOUTSANTONIS: Sorry?

Mr Pengilly interjecting:

The Hon. A. KOUTSANTONIS: If I was your age, I'd have it that big, too.

The SPEAKER: Order! We will have no aspersions about age!

The Hon. A. KOUTSANTONIS: I was recently at the OZ Minerals' Prominent Hill mine site and I was very impressed by the operation. It is always great to see firsthand the opportunity that this industry is creating for the people of South Australia.

Madam Speaker, I met with the traditional landowners, many of the mine workers and several of the small business owners who have contracts with the mine for the provision of services. I have been told that over 20 local businesses are currently engaged at Prominent Hill, and during 2010:

- $12 million was spent in the Coober Pedy region;
- $7.5 million in the Upper Spencer Gulf; and
- $80 million within South Australia.

OZ Minerals is a shining example of integrating into the existing community and adding real value to local communities—be it socially or economically—and I am sure that this will be further advanced with the development of the Carrapateena site.

This government is here to work with the mining industry, despite the opposition and the shadow minister, and this is another clear example of the success that is being achieved. I want to congratulate Terry Burgess and the team at OZ Minerals for their investment at the Carrapateena site, the local economy and the people of South Australia.

ROYAL ADELAIDE HOSPITAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:28): My question is for the Premier. Prior to the 2010 state election, why didn't the Premier let the South Australian taxpayers know that the new Royal Adelaide Hospital was going to cost taxpayers around $11 billion?

Members interjecting:

The SPEAKER: Order! The Minister for Health.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:29): Madam Speaker, this is a hypothetical question in that the—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —final costs for the Royal Adelaide Hospital have yet to be determined, and we are going through a contractual arrangement at the moment to do that. What the Leader of the Opposition is doing is making an assertion based on no factual information at all. She is deliberately misleading the place by confining construction—

Members interjecting:

The SPEAKER: Order! Point of order, I presume.

Mrs REDMOND: The minister just accused me of misleading. It is my understanding that he can't do that without making a substantive motion.

The SPEAKER: Yes, I will uphold that point of order. Minister.

The Hon. J.D. HILL: I withdraw the word 'deliberately', but it's okay for her to apparently accuse me of telling falsehoods in here.

Members interjecting:

The SPEAKER: Order! Point of order. Member for MacKillop.

Mr WILLIAMS: If I heard the minister correctly, he just said, 'I withdraw the word "deliberately".'

An honourable member interjecting:

Mr WILLIAMS: No; no member can accuse somebody—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: —of misleading the house other than by—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: —a substantive motion.

The SPEAKER: Order, sit down! We've sorted this issue out. Minister, continue your answer.

The Hon. J.D. HILL: Well, as I was saying, Madam Speaker, the Leader of the Opposition—

Members interjecting:

The SPEAKER: Order! Point of order.

Mr WILLIAMS: Point of order, Madam Speaker. The minister accused the leader of misleading the house. That is contrary to standing orders, which clearly state that you can only accuse somebody of misleading the house by substantive motion. I thereby call on the minister to withdraw.

The SPEAKER: Minister, do you want to withdraw those words?

The Hon. J.D. HILL: I just seek your clarification. I understand the standing order is that I cannot accuse somebody of deliberately misleading the house; somebody could do it accidentally, and it may well be through ignorance, it could be through a whole range of circumstances. I will do what the Leader of the Opposition wouldn't do, Madam Speaker. I will withdraw something that she was offended by, but she is happy to offend me, that's fine—

The SPEAKER: Thank you, minister.

The Hon. J.D. HILL: —and make it up afterwards, Madam Speaker.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Madam Speaker—

Mr Williams interjecting:

The SPEAKER: Order, member for MacKillop!

The Hon. J.D. HILL: I withdrew it. What are you worried about?

Members interjecting:

The SPEAKER: Order! I agree with what the minister said.

Mr Williams: As ungraciously as you possibly could.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The minister has withdrawn now—

Mrs REDMOND: Point of order.

The SPEAKER: —so what's your point of order?

Mrs REDMOND: I want a point of clarification, please, Madam Speaker. My understanding of your ruling, your initial ruling—

Members interjecting:

Mrs REDMOND: It's nothing to do with being a sook; it's to do with being very clear, so that when we go forward we know what the situation is in the future. My understanding of your original ruling was that you ruled it disorderly to use the term 'misleading', but the minister just withdrew the term 'deliberately'. Your new ruling appears to be that you accept that, and that from now on we are going to be able to accuse someone of misleading as long as we don't use the word 'deliberately'. That's the effect of your ruling as I understand it, and I want clarification on that.

The SPEAKER: My initial ruling was on the word 'deliberately' not 'misleading', because I felt, as the minister explained, that I think you can say 'misleading' in some circumstances,

depending on the circumstances and what is happening. However, if this is going to become an issue and people are going to accuse each other across the floor consistently of 'misleading' then I will uphold that we won't be able use the word 'misleading' in future, whatever the context. The minister has withdrawn the words. We will now continue or we will end question time and leave.

The Hon. J.D. HILL: Thank you, Madam Speaker. One understands the sensitivities of the opposition. The question was: why didn't the government tell the people about a figure that the Liberal Party invented? Can I put it that way?

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: They were the ones who invented it. Iain Evans, the member for Davenport, used that number in a press release about four to six weeks ago, so it was his figure not our figure.

The Hon. I.F. Evans: And I was right! Sorry!

The SPEAKER: Order!

The Hon. J.D. HILL: It would be the first time, Iain. Madam Speaker—

Members interjecting:

The SPEAKER: Order, minister, sit down!

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Madam Speaker—

The SPEAKER: Order, sit down, minister! We are now 30 minutes into question time and we have had three questions. This is ridiculous. The opposition will be quiet or I will walk out on question time. Minister.

The Hon. J.D. HILL: The facts are the government has committed to building a new Royal Adelaide Hospital. We have said all along there will be a construction cost, a finance cost and a running cost. If you bring all of those costs together, you get a bigger figure than the construction cost. You do not have to be a genius to work that out. What that figure will be will be revealed to all when the final figures are known to us. And that will be, we hope, within the next month, and that will be what we will deliver to the public of South Australia. But, let's not forget: what this is about is building a brand new, 21st century hospital for the people of this state so they have the very best health care available. The Liberal Party keeps knocking it. They knock every major project in this state—

Members interjecting:

The SPEAKER: Order! Point of order.

Mr PENGILLY: Standing order 98.

The SPEAKER: The minister can choose to answer the question how he wishes, but I think he is coming to a close; he's finished. Thank you. Leader of the Opposition.

ROYAL ADELAIDE HOSPITAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:35): Can I ask another question of the Minister for Health? Is the Minister for Health seriously suggesting that the Macquarie Bank is misleading potential investors when the government claims that a new Royal Adelaide Hospital won't cost $2.73 billion? Can he advise the house which figure in the Macquarie document is wrong?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:34): I do not have a copy of the Macquarie document. I am—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Unlike Jim Katsaros, I am not a subscriber to the high wealth group who are provided with this document. I understand it has been alleged—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I understand—

Mrs Redmond interjecting:

The Hon. J.D. HILL: Yes; has David Ridgway got a copy? That will be the interesting thing. I understand that it is alleged that a copy has been sent to my office. I have asked my office; they have not seen it. If it were to arrive, I would do what is appropriate and send it back to Macquarie Bank, because it is illegally transferred to others than the people on the list. They had to sign confidentiality agreements. But I do hope that the media gets to ask Mr Katsaros whether he is responsible for the leaking of this document. I would be interested to hear what he has to say. I was interested to hear what he had to say during the election. I was interested to see that his vote was less than 1 per cent but, be that as it may—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —the contract will be signed and then all of the information will be put into the public domain, and everybody will have an understanding of what the construction costs are and what all the other costs associated with the hospital are, and we will be able to do some comparisons with other like buildings which are done by normal procurement processes. It is unfair and unreasonable to compare one type of project that is constructed in a particular way with another without taking into account all of the other costs associated with the second way of procuring a hospital. You cannot just compare the construction costs of a hospital in one case with the construction plus operating costs of it in another. That is wrong in principle and wrong in practice.

Members interjecting:

The SPEAKER: Order!

KEITH AND DISTRICT HOSPITAL

Dr McFETRIDGE (Morphett) (14:36): Thank you—

The Hon. K.O. Foley: This will be inspired.

The SPEAKER: Order!

Dr McFETRIDGE: Empty vessels make the most noise.

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Order! Member for MacKillop, you are warned.

Dr McFETRIDGE: My question is to the Treasurer. If the government cannot find $370,000 per year to keep the Keith Hospital open, how can it find $1 million per day for 30 years for the new Royal Adelaide Hospital?

The Hon. K.O. Foley: What do you think we spend now on the Royal Adelaide, you idiot?

The SPEAKER: Order!

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:37): If this was a Treasury question, presumably the shadow treasurer would have asked the Treasurer. This is a health question pretending to be a Treasury question. If you want ask questions about the Keith Hospital, please be free.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: The reality is, as I indicated to the house previously, that the current costs—let us round them up to $5 billion—if you amplify that over 35 years, that is $175 billion we will be spending on health in today's dollars, without any increase in the demand for services. As a state, we will have to find $175 billion over the next 35 years. The Royal Adelaide Hospital on the new site will cost some of that money. It will cost a very small proportion of that money. The major cost to the new Royal Adelaide Hospital will not be the maintenance or the construction, or all of the other costs associated with it; it will be the services to patients in our state. That is where the real money goes in hospitals—not on the construction, not on maintenance costs and so on, but there is a cost associated with those.

In relation to the Keith Hospital, I am very pleased that the Keith Hospital board has accepted the government's offer to assist them work through a business case so that they can make themselves sustainable into the longer term. We are also assisting them in making sure that they get access to the commonwealth funds that they are entitled to for their aged beds. We have done the same thing with Ardrossan and Moonta, and both those hospitals are doing well as a result of our support. In fact, they will be better off than they were prior to the budget changes. That is the reality of it. I am very confident that Keith will be in the same position.

FORESTRYSA

Mrs REDMOND (Heysen—Leader of the Opposition) (14:39): My question is to the Premier. Why should South Australians believe anything the Premier says, when he said upon election as Premier, and I quote, 'Under our government, there will be no privatisations of forests.'

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:40): Do you know something? I will ask you a question too. Are you or are you not going to support the Adelaide Oval development?

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Order! Sit down. This is not an opportunity for a shouting match across the chamber. Did you have a point of order, member for MacKillop?

Mr WILLIAMS: I certainly did, Madam Speaker, and I might be able to point out why there was a shouting match. The Premier was specifically asked a question about what he said when he was elected as Premier and his actions to sell the forests in the South-East, and the Premier is refusing to answer that question.

The SPEAKER: Order! The Premier has only just started to answer the question.

The Hon. M.D. RANN: We will not privatise the state's forests. They will remain crown lands; they will remain in state ownership. But, can I say this, will the Leader of the Opposition—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —put her state first and follow the advice of Martin Hamilton-Smith and do the right thing by the Adelaide Oval?

Mr WILLIAMS: I rise on a point of order. There is no relevance to the question.

The SPEAKER: Sit down. I think the Premier has finished answering the question.

Members interjecting:

The SPEAKER: Order!

BOWDEN URBAN VILLAGE

The Hon. M.J. ATKINSON (Croydon) (14:41): Premier, what news—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: Premier, what news of the Bowden Urban Village?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:41): I thank the member. There is no-one in the history of this state who has doorknocked more in the western suburbs of Adelaide, in the history of this parliament, a fact that needs to be acknowledged. He was hoping to reach my vote in a series of elections but was unsuccessful in doing so. On the other matter, it is really important to recognise John Howard, Rob Kerin, John Olsen—

The Hon. I.F. EVANS: I rise on a point of order. The Premier continues to defy your ruling. The question from the member for Croydon was about a matter in his electorate, not about the Adelaide Oval. The Premier consistently tries to go to another topic, defying the ruling.

The SPEAKER: The Premier can answer as he chooses, and I am sure that he is getting back to whatever the question was.

The Hon. M.D. RANN: On 23 April I announced, with the Minister for Infrastructure, that the government had granted final approval for the Bowden Urban Village project. On that day, we released the plan for the entire 16 hectare development on the old Clipsal and Origin sites at Bowden and announced that the government would invest more than $264 million over the next decade to help deliver a high quality sustainable community on the city fringe. This expenditure will be recouped from the sale of land to private developers, with the site expected to generate $1 billion worth of investment before it is completed.

This development flags the beginning of a major transformation of Adelaide's metropolitan landscape and will set a new national benchmark for higher density community living. The Bowden Urban Village project will eventually provide over 2,200 dwellings for more than 3,500 people and will be a leading example of excellence in urban design, community development and environmental sustainability.

It will also provide opportunities for new and expanding businesses to locate, establish and operate. The project has an ambitious sustainability action plan including minimum five-star, green star ratings for almost all of the buildings, with 15 per cent of buildings seeking a higher six-star standard; a pilot tri-generation energy supply system to provide electricity, heating, cooling and hot water in the first stage; use of stormwater for a variety of non-potable uses including toilets, washing machines and irrigation; and a range of waste reduction management techniques.

The project aims to create a climate-smart precinct that demonstrates environmental sustainability, and we know that innovative technology, including building design, will be a crucial element in achieving that. The development will also provide a great sense of community life, with streets designed for people and bicycles and open spaces that are safe for families. It will be connected to the Parklands by—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —a new pedestrian bridge that will be built over Park Terrace. A minimum of 12.5 per cent of the development will be open space—

Members interjecting:

The SPEAKER: Order, member for Unley!

The Hon. M.D. RANN: —including 5,200 square metres set aside for Bowden Urban Village's main park, containing landscaped areas and a water feature. The government is also determined to make Bowden Urban Village a flagship for good urban design. Eminent architects will be charged with ensuring that the best standards are achieved, using a range of different building heights. This is a project that goes hand in hand with the government's multibillion dollar revitalisation of the public transport system, with an electrified Outer Harbor line running near the Bowden Urban Village development and, of course, the tram site nearby.

Why is this relevant to the Adelaide Oval redevelopment? It is because that site was actually picked by the Liberals as one of their sites for a stadium. So it is entirely relevant to discuss this in the context of a question about the Bowden development because, members opposite, it was like a mobile ambulance rather than a hospital when it came to the stadium—

Mr WILLIAMS: Point of order, Madam Speaker.

The SPEAKER: Order! There is a point of order.

Mr WILLIAMS: Not only is this not relevant to the question, it has nothing whatsoever to do with anything the Liberal Party proposed. It is a complete fabrication.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Point of order. The Deputy Leader of the Opposition is not suggesting that the Premier is misleading, is he?

Members interjecting:

The SPEAKER: Order! Regarding the member for MacKillop's point of order, the Premier is drawing a very long bow, but it is relevant in the context of what he is saying.

The Hon. M.D. RANN: We have chosen this site not for a stadium; we have chosen it for the Bowden urban development, which will be a national template for sustainable living. However, we recognise that we are not alone in thinking that Adelaide Oval is a better site to have football played in the city, because we are supported by John Howard, we are supported by John Olsen, we are supported by Rob Kerin, we are supported by the member for Waite, we are supported by Alexander Downer—

The Hon. K.O. Foley: Chris Pyne.

The Hon. M.D. RANN: And Christopher Pyne. When you have that kind of support—well, I won't go where that is going. The point of the matter is: will the Leader of the Opposition listen to her predecessors, to their wise counsel, listen to those who actually achieved the highest office in this state, and put our city and state and footy and cricket first, rather than play games? However, let us get back to the Bowden development. The project will add a new vitality to what is currently—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —a derelict industrial site. A home for thousands of people that is right on the city's doorstep, connected to the city and the port by public transport. The project reflects the government's commitment, as outlined in the 30-Year Plan for Greater Adelaide, to support Adelaide's population and economic growth by revitalising some of Adelaide's inner suburban areas to make the most of existing infrastructure and transport links.

The first land sale to developers will commence later this year, with first construction of new dwellings expected to start next year. Over the next decade Bowden Urban Village will become a thriving, environmentally sustainable, well-designed community at our city's doorstep. Next stop: Tonsley development.

FORESTRYSA

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:49): My question is to the Minister for Forests. What advice has the minister had from the ForestrySA board about the forward sale of ForestrySA timber harvests, and will he table that advice?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:49): I have been having ongoing discussions—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —with the ForestrySA board. It has provided me with some information, which I am looking at the moment. I was in receipt of that yesterday.

Members interjecting:

The SPEAKER: Order!

FORESTRYSA

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:49): I specifically addressed the question to the Minister for Forests because I thought he would actually be able to answer it, but I will try again, Madam Speaker. Does the Minister for Forests stand by his statement to a forestry forum in Mount Gambier on 20 October last year regarding the proposal to forward sell timber rotations from ForestrySA's forests that 'It is a really bad time to sell.'

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (14:50): That was in the context of sale of forests per se, both hardwood and softwood. You break out the softwood component and it is a good time to sell.

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: I really don't want to complicate things—

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: —but a lot of these assets that have come onto the market are a mixture of hardwood and softwood and I was talking about the combined entities. If you doubt the substance of the response, look at the *Financial Review* two days back and look at the difficulties that Elders are having selling their forestry assets, which are hardwood.

FORESTRYSA

The Hon. I.F. EVANS (Davenport) (14:51): My question is to the Minister for Forests. Does the minister support the forward sale of ForestrySA timber harvest?

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (14:51): Of course I do—cabinet does.

FORESTRYSA

Mr PEDERICK (Hammond) (14:51): My question is to the Treasurer. Will the Treasurer explain why the government will sell SA's timber harvest without first conducting a cost-benefit study? The regional impact statement released yesterday states, 'The analysis presented here is not a cost-benefit study.'

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:52): It is not a cost-benefit study because it is a regional impact statement, and I would have thought that that was pretty obvious. But this is an issue that has been exhaustively examined by the best advice government could get on what would be the social impact and the economic impact of this decision in the South-East. I have made sure that we have released it. It is publicly available. It is available for anyone to see, anyone to scrutinise. I am more than happy to take any questions about the contents of that report, but I stand by it. I have complete confidence in that report.

AGRIBUSINESS COUNCIL

Mr BIGNELL (Mawson) (14:52): My question is for the Minister for Agriculture and Fisheries.

Members interjecting:

The SPEAKER: Order, member for Unley!

Mr BIGNELL: Could the minister inform the house about the soon to be established South Australian Agribusiness Council and what role this council will play in the continued development of South Australia's agrifood and agribusiness sectors?

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (14:53): I thank the member for Mawson for this question. In 2010—

Mr Williams interjecting:

The SPEAKER: Order, member for MacKillop!

The Hon. M.F. O'BRIEN: In 2010 I conducted a review of our industry engagement mechanisms, including the Premier's Food Council, the South Australian Advisory Board of Agriculture and a number of industry development boards. What became clear from this review was that the government needed to engage agribusiness and agrifood industries at the highest

levels in order to identify both growth opportunities and restraints so as to assist the development of these sectors in South Australia.

To that end, I have decided to establish a high-level advisory group to be named the South Australian Agribusiness Council. I intend that the members of the Agribusiness Council will be sector leaders and will represent the agriculture, finance, education and corporate aspects of the sector. The agribusiness and agrifood sectors in South Australia continue to be major components of the South Australian economy.

To highlight the significance of these sectors to our state, it is important to note that the gross food revenue for the 2009-10 financial year was around $12.4 billion. Further to this, the wine industry contributed an additional $1.8 billion in gross revenue to the South Australian economy. Additional to the revenue that these sectors generate for our economy is their contribution to employment in this state. It is estimated that approximately 18 per cent of South Australians are employed in the agriculture, food and wine industries and associated sectors.

In recognition of the sector's importance to this state's economy, the Agribusiness Council will work with me to identify emerging domestic and international opportunities that will enhance the sustainable economic development of the agrifood and agribusiness sectors in South Australia. The council will also act as a high level conduit between industry and the state government in order to identify potential issues which are inhibiting sustainable economic development of the agrifood and agribusiness sectors in South Australia.

The Australian government is currently developing a national food plan and it is my intention that the South Australian Agribusiness Council will not only be influenced by the plan but will also make significant inputs in the direction that plan ultimately takes. Food security is now one of the most pressing concerns for many nations around the world, not least those in our own region. Governments are seeking to ensure their ability to feed their growing populations through increased domestic production and also through assured trading relationships with other nations. It is estimated that by the year 2050 there will be a 70 per cent increase in the demand for food on a global basis.

Australia and South Australia are well placed to respond to this challenge of feeding an increasingly large global population. Our research and development is world class, as are our farming practices. We are also regarded as a reliable supplier, with the necessary transport and handling infrastructure to facilitate further growth. What the South Australian Agribusiness Council will do is assist the state's farming, fishing and finished food sectors in determining international and domestic opportunities and facilitating the measures necessary to develop those opportunities.

MARINE PARKS

Mr PEDERICK (Hammond) (14:57): My question is to the Minister for Environment and Conservation. What will the cost per square kilometre be for managing and maintaining South Australia's marine parks and sanctuary zones? The environment department manager has declined to put a figure on the total cost of managing South Australia's marine parks, which are yet to be finalised, but it would be reasonable to expect that a cost per square kilometre would already be known. It has been reported that marine parks can cost as much as $2,600 per square kilometre, which would place a massive burden on South Australian taxpayers and could render the state's vital export fishing industry—

The Hon. P.F. CONLON: A point of order, Madam Speaker. The member has clearly wandered into debate in his question.

The SPEAKER: Very close to it, but I think he has finished his question now.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:58): The way in which the question was asked, I think he used the words 'it would be reasonable to expect'. I think it would be reasonable to expect that the member for Hammond, along with others from the other side, would by now have an understanding that the marine parks, in particular the sanctuary zones, have not been determined and are yet to be determined. We still have a detailed process to undertake with the local advisory groups that are meeting as we speak, and will continue to meet.

Ms Chapman interjecting:

The Hon. P. CAICA: I find it interesting that the member for Bragg has been very well behaved today. I think she has only done—how many is it?

An honourable member: Twenty-nine.

The Hon. P. CAICA: Twenty-nine interjections today, which is very good for her. She hit 68 the other week and said, 'That's outrageous, it should have been 70.'

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Quite simply, these matters have not been determined yet.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Nothing has been worked out yet because we have not determined what the areas are going to be, and that will be determined subsequently, just as will any regional or economic impact statement on those zones. You do not do that before you have actually determined what area is going to be within and determines those sections. But—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —interestingly, Madam Speaker (and I am not a great shake on the computer so someone showed it to me), on this part of the computer that is called YourTube—or YouTube, I think it is.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. Hill interjecting:

The Hon. P. CAICA: Thank you. I am getting advice from my friend the Minister for Health on aspects that relate to tubes. Anyway, at this Burnside Town Hall rally, the member for Bragg was on the podium (it was something reflecting the Nuremberg rallies) banging on the—

Mr PENGILLY: Point of order, Madam Speaker.

The SPEAKER: Order! There is a point of order.

Mr PENGILLY: Standing order 98.

The SPEAKER: Yes, I think the minister needs to get back to the question. I will uphold that.

The Hon. P. CAICA: I will, indeed, Madam Speaker. Of course, an audience member put a question regarding marine parks. He said, 'I'm a spear fisherman of 44 years' or more experience. This is the first time I have ever seen this sort of bullshit. I want to ask the Liberal Party: if this crap goes through, are they going to chuck it out?' The member for Bragg, over raucous cheering, banging the podium, said, 'Okay, I'm getting the head girl up here to give the answer.' The Leader of the Opposition swaggers up to the podium and says, 'The short answer is: yes.'

Madam Speaker, the point I am making is it would be reasonable to expect that there would be a level of maturity from the opposition with respect to engaging in this debate on marine parks.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Of course, quite simply—

The SPEAKER: Order! There is a point of order. Sit down.

Mr PENGILLY: Standing order 98.

The SPEAKER: Yes, we are back to relevance again. Minister, I am sure you have nearly finished your answer.

The Hon. P. CAICA: Madam Speaker, this is extremely relevant. We cannot determine what the costs are with respect to the monitoring, enforcement and compliance of marine parks until—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —those marine parks and sanctuary zones have been determined.

STATE STRATEGIC PLAN

Mr PICCOLO (Light) (15:02): My question is to the Minister Assisting the Premier with South Australia's Strategic Plan. Can the minister update the house on the recent community engagement processes undertaken to ensure the plan continues to reflect the community's current values and concerns?

The Hon. T.R. KENYON (Newland—Minister for Recreation, Sport and Racing, Minister for Road Safety, Minister for Veterans' Affairs, Minister Assisting the Premier with South Australia's Strategic Plan) (15:02): I thank the honourable member for his question. He has a strong interest in the state's Strategic Plan, as we all should have. In March 2004 the Rann Labor government released South Australia's first Strategic Plan. This plan provided a range of ambitious targets for a stronger economy and a stronger community. It was not intended as just another government plan but as a plan for everyone—for business, the community and government. In July last year—

Members interjecting:

The SPEAKER: Order! The sooner he finishes, the sooner we can leave question time, so be quiet and let him finish.

The Hon. T.R. KENYON: Exactly right, ma'am. In July last year the Premier reported that, of the 98 targets, two-thirds have been achieved, are on track or are within reach. Since then, the independent Community Engagement Board has conducted extensive consultation across the length and breadth of our state—from Penola to Port Pirie, from Wudinna to West Beach (I was in West Beach a couple of weeks ago) listening to the views of South Australians on the future of South Australia's Strategic Plan.

Ms Bedford interjecting:

The Hon. T.R. KENYON: No, holidaying. This process of regular and transparent updating and monitoring is a key part of ensuring that South Australia's Strategic Plan remains relevant and current.

I was pleased to co-host, with the Premier and the Community Engagement Board, the recent launch of the Community Engagement Board's report to the South Australian government on the outcomes of the 2010 community engagement initiative, which will help update South Australia's Strategic Plan. The community engagement undertaken has been significant: in fact, it is the biggest consultation exercise undertaken in South Australia's history. More than 8,000 South Australians have been interviewed face-to-face, along with more than 1,000 others giving their thoughts online via the State Strategic Plan website.

I want to assure all those who participated in this process that we have listened carefully and we have heard what they have to say. Their feedback has provided a practical guide to the aspirations of South Australians for the state they want to live in by 2020. There are no doubt differences in views and priorities from across the state, but one of the things that South Australians have in common is a sense of pride and a commitment to their community. The release of the Community Engagement Board's report on the community engagement initiative is testament to the board's effort and hard work.

I would like to personally thank—and on behalf of the government—Mr Peter Blacker, the chair, and the rest of the Community Engagement Board for their efforts and reaching out to the South Australian community. I would also like to thank the Alliance members of South Australia's Strategic Plan and all those South Australians who have freely given of their time to provide the Community Engagement Board with their thoughts about the future of South Australia.

It is the views of South Australian individuals, Alliance members and the community that will help inform the next update to the State Strategic Plan and its targets. Because South Australia's Strategic Plan is not a static document, it will continue to evolve and be updated to

embody the changing aspirations of South Australians, ensuring that it remains relevant and current. The 2011 plan will be, as previous plans have been, a go-to action for the government.

I look forward to working with the Community Engagement Board, Alliance members, my parliamentary colleagues and the broader community to strive to achieve the aspirations and targets that will be set out in the 2011 plan.

GRIEVANCE DEBATE

ROYAL ADELAIDE HOSPITAL

The Hon. I.F. EVANS (Davenport) (15:06): Madam Speaker, today I wish to call on the government to establish a royal commission into Australia Post, and the reason I want it to establish a royal commission into Australia Post is that someone is stealing the government's mail.

A letter was put out today by a citizen of interest who had an interest in the Royal Adelaide Hospital project, and he mailed the letter to a number of the media outlets, a number of members of the opposition, the Premier, the Deputy Premier and the Minister for Health—

Mrs Redmond: And the Treasurer.

The Hon. I.F. EVANS: —and the Treasurer—and it had the Macquarie private equity document regarding the Royal Adelaide Hospital. Everyone else got the document. Every media outlet got the document and the members of the opposition got the document but four people did not get the document: the Premier, the Deputy Premier, the Minister for Health and the Treasurer.

Someone is stealing the mail, Madam Speaker. Someone is stealing the royal mail. Someone is undermining the government, and the thing that is undermining the government is its deception. This is a deceptive, false and phoney government. Its deception before the election is simply unbelievable.

It deceived the public about its knowledge about the oval cost blowout. It deceived the public with its promise of $450 million and not 1¢ more. It deceived the public about its knowledge about the public sector comparator. It deceived the public about its promise not to privatise our forests and it deceived the public about the cost to the taxpayer of delivering the new Royal Adelaide Hospital project.

The reason that it deceived the public is that its budget is in a very poor position. Its budget is under pressure. It deceived the public during the election to hide its budget position; and remember that it was the Minister for Forests who let the cat out of the bag when he said that they were in such a bad position that, after eight years of Kevin Foley as treasurer, the state was borrowing money to pay the public sector's wages.

So, let us get to the hospital. Now, the Minister for Health makes great play about the member for Davenport and the member for Davenport's figures. Well, let us just go through what I said. I said that it was the Macquarie Bank document that showed the cost of delivering the project being $2.73 billion. The day that it is delivered to the government the cost is $2.73 billion.

Now, the Macquarie Bank did not come out and say that I was wrong. The Macquarie Bank did not come out and say, 'The member for Davenport's wrong.' The government could have rung Macquarie Bank any time over the last few weeks, got a copy of the document, held the document out and said, 'The member for Davenport's wrong.' That did not happen; and, if the mail thief had not stolen the Premier's copy, the Deputy Premier's copy, the Minister for Health's copy or the Treasurer's copy, they could have done that today. They did not.

Now, the around $11 billion simply comes from averaging out the service payments across the term of the contract in the Macquarie document. If that is not true, let the government come out and say it, let Macquarie Bank come out and say it. These are not the member for Davenport's figure per say, they are estimates of the Macquarie Bank's own documents. I challenge the government to come out and say which figure in the Macquarie Bank document is wrong. Which figure is wrong? The Macquarie Bank document would have been prepared based on government figures. They go into the market for investors. There are strict probity conditions about those figures, so if the Macquarie Bank document is wrong, let the government point to it.

This government is about building monuments to itself. It is going to build these monuments and then leave. The Premier will leave, the former treasurer will leave. Minister Conlon is on record, I understand, on radio today saying he is not sure what his future holds. The reality is that the Minister for Health, in my view, will sign this contract and not contest the next election.

This is a government that is going to leave us a legacy. It is not the buildings it is going to leave as a legacy. The legacy it is going to leave is a typical Labor legacy, and that is high debt and high liabilities. People from within government are contacting the opposition saying that even the cabinet has been told that the capital cost is that 2.7 figure. The reality is these are Macquarie Bank figures, we understand, based on the government's advice to Macquarie Bank. What we have is a deceptive, false and phoney government.

Honourable members: Hear, hear!

Time expired.

INTERNATIONAL WORKERS MEMORIAL DAY

Ms BEDFORD (Florey) (15:11): I would like to continue my remarks of 6 April when I was speaking about International Workers Memorial Day and the contribution of workers, especially in dangerous places. Since then, we have celebrated May Day, and I commend Adelaide's May Day committee for their organisation of the rally, the workers' memorial observance and the May Day dinner.

Again, since that date, on 26 April, on behalf of the Minister for Multicultural Affairs I joined the Ukrainian community of South Australia in commemorating the 25th anniversary of the explosion which released 400 more times radiation than the Hiroshima bomb. I would like to acknowledge Mr John Dnistriansky, Mr Roman Nowosilskyj and the congregation of the Ukrainian Catholic Church of the Protection of the Mother of God, and my friends Victor and Olga Gostin for their welcome. The ceremony was very moving and the singing was marvellous.

Following the Chernobyl meltdown all those years ago, thousands of workers cleared a 30 kilometre area around the plant in order to entomb it in concrete. This may yet be the fate of the Fukushima plant, as it continues to seep radiation into the surrounding environment now more than 50 days since the earthquake and tsunami.

In 1986, Chernobyl workers were exposed to high levels of radiation, with the initial explosion. An international team of more than 100 scientists appointed by the World Health Organisation has recently produced a report concluding that up to 4,000 workers are likely to have died of radiation exposure from the Chernobyl nuclear power plant accident over 20 years ago.

Alongside radiation-induced deaths and diseases, the report labels the mental-health impact of Chernobyl as 'the largest public health problem created by the accident'. Chernobyl should have delivered a powerful lesson to the world, but in light of the nuclear disaster in Japan, it seems that these lessons have already been forgotten. With a serious situation at Fukushima Daiichi nuclear plant hanging over us, 25 years after Chernobyl's catastrophe, there is an apparent need to reconsider the old lessons more than ever.

At the Chernobyl anniversary, I remembered Ukrainian children affected by the reactor accident were sent to destinations around the world, including Australia, with the first 150 of those arriving in this country in 1991, sponsored by the Australia Chernobyl Children's Relief Fund. To date, this group has provided $10 million in aid and provided over 2,000 children with the opportunity to holiday in Australia. Only two of the orphans actually remain in Australia, and the rest returned to their homeland, many still maintaining contact with their host families.

It is a sobering fact that the work of the relief fund continues, only now the affected children are the offspring of the original Chernobyl survivors. This week, the Tokyo Electric Power Company (TEPCO) announced it would build a makeshift bulwark around the stricken Fukushima nuclear plant in case aftershocks further harm the already damaged structures. In Tokyo last weekend, 21,000 unionised workers rallied on May Day to support the workers at Fukushima and called for Japan's national energy policy to be steered away from nuclear power.

Those pushing the nuclear agenda are at great pains to point out that Chernobyl and Fukushima are poles apart. This is despite both disasters being ranked at the highest possible level on the international disasters scale of nuclear incidents. I certainly hope they are right, yet as the situation continues to unfold, it is simply too early to say. Even in the best case scenario the environmental and human consequences of Fukushima will be enormous. The worst-case scenario is beyond comprehension, bearing in mind that the total fuel rod capacity of the three reactors operating at the time of the earthquake was twice that of the Chernobyl No. 4 reactor, and that does not include the radioactivity contained in the spent fuel rod pools of all six units.

Physicians for Social Responsibility (PSR), who formed a part of the Nobel peace prize winning International Physicians for the Prevention of Nuclear War, has condemned as unconscionable the Japanese government's safety standards on radiation levels at elementary and middle schools in nuclear disaster-stricken Fukushima Prefecture. The Japanese government has recently announced it is safe for schoolchildren to use playgrounds on school premises in the prefecture as long as the dose they are exposed to does not exceed 20 millisieverts over a year, but the PSR maintain that any exposure, including exposure to naturally occurring background radiation, creates an increased risk of cancer.

The accident at Fukushima is yet another reminder of the necessity of reviewing the safety of current nuclear power reactors and, more importantly, the safety of all reactors. Nuclear power is susceptible to accidents because construction and operator error will always be part of the equation.

I am proud of the Labor Party's longstanding ban on nuclear power and the policy to strictly limit the mining and export of uranium. I am also proud of our state's achievements in hosting, developing and supporting renewable energy, and of the fact that we are a national leader not only in the generation of wind power but in the exploration of geothermal power. We have shown leadership in the development of solar energy and in emerging areas such as wave energy and the production of biofuel from native micro-algae.

There have been recent high-profile assertions that nuclear energy has a viable future in this state and there has been a call to renew the nuclear debate as part of the national future planning. While debate should never be stifled, I believe these calls represent a failure of our collective imagination—a failure to imagine the risks involved and a failure to imagine how we could do things differently for future generations.

FAB SCOUTS PROGRAM

Mr WHETSTONE (Chaffey) (15:16): I would like to talk about the FaB Scouts program, which is a program out in regional areas to assist rural counsellors. The FaB Scouts are quality community people out there networking with people who are struggling mentally with the issues of day-to-day life.

Weather conditions have been well documented this year. The grape industry has had some serious issues with the weather, disease and rot, and the majority of the grape harvest has been rejected this year. There has been almost as much grape put on the ground as what has been processed this year.

In a sense, one would almost classify the weather events this year a natural disaster. With the increase of costs to try to keep disease out of the grapes, a large amount of grapes are being rejected, and growers are therefore receiving very little income. Just to give you a bit of an example, I have had many phone calls to my electorate office, and it is not uncommon for a grape grower to produce about 500 tonnes and deliver no fruit to the wineries this year.

Obviously it does not take a rocket scientist to work out that, with no income, the added pressure of having no support from either the FaB Scouts program or the rural counsellors program (both of which are being wound up on 30 June this year) is making people very fragile. They need that support.

Some of those serious concerns with mental health impacts are really starting to come to the front, particularly now that the vintage is over. My office is regularly getting phone calls from families and friends of people who have attempted suicide, people who have refused to get out of bed and people who have refused to go out and deal with the issues. The people of the FaB Scouts mentor program give their time. They are community people out there talking to their friends and neighbours, and to community people, as a stepping stone before rural counsellors come in to assist these people through some pretty rough times.

These well-meaning volunteers, with considerable social networks in the region, have undergone some form of formal training and, essentially, they are doing this from their hearts. They are not being paid. They are not out there with their nose in the trough looking for remuneration for every minute they are out there helping their community.

The FaB Scouts program is going to be wound up on 20 June 2011, as is the program for some of the rural counsellors in Chaffey, which will be wound up on 30 June 2011. It seems ironic that the partnership between the federal government and the state government cannot show some

compassion, cannot show the support that is needed for these people to keep them on a wavelength so that they can get through these tough times and get on with their business.

It is often documented in the health system that people in the city go to the hospital, go to mental health facilities, and are assisted. Out in the country a lot of people are remote, and I guess are a little proud to go out and seek help. It is becoming more and more evident that these people need those FaB Scout mentors to come and listen to the issues that, particularly, the grape growers are dealing with. It is almost what you would call bad timing that the government would finalise or close these programs, particularly with a very trying testing year with the vintage that we have just gone through.

It is not just confined to the Riverland or to Chaffey, it is widespread across the state. In particular, the grape growing sector in the Riverland has been dealt a serious blow because of the particular weather events happening at particular times. I have been out there as a grape grower and to witness magnificent crops just slowly dripping off the vine is heartbreaking. So, I urge the minister to show some compassion and to consider reinstalling the FaB Scouts mentor program.

WOOLWORTHS INDIGENOUS PRE-EMPLOYMENT PROGRAM

Mrs VLAHOS (Taylor) (15:21): I rise today to talk about the Woolworths Indigenous Pre-employment Program, and I recently attended the graduation ceremony at the Mawson Lakes Hotel on behalf of the Minister for Aboriginal Affairs and Reconciliation, the Hon. Grace Portolesi. The evening was a very happy and transformative occasion. The graduates spoke about their personal circumstances and many of them had had very trying lives. This night was very important to them because, in getting to the graduation, they had overcome many obstacles to complete the course. Their next of kin were there to celebrate with them and many of them had never been to a graduation of such significance in their life before.

South Australian Woolworths has recognised that to ensure a long-term sustained employment of indigenous people in our state it needs to ensure that they are given a fair chance of success in the workplace. Indeed, many pre-employment programs that are offered to indigenous people are simply that—they are short-stay employment programs that offer no real jobs at the end of the program they are put through.

This program, in contrast, offers real, long-term sustainable jobs for the people of this community. This is the first project that Woolworths has been involved in where each of their divisions has been involved, and it is uniquely South Australian. Woolworths has recognised that the fairest way to ensure this success is through a good pre-employment program, a rigorous selection process, and ongoing mentoring and support ensuring that store managers, supervisors and staff undertake the appropriate cultural awareness training.

The Woolworths Indigenous Pre-employment Program is being run by a consortia, comprising the Mining, Energy and Engineering Academy and the Globally Make a Difference (GMAD) group, who provide personal development and leadership services and training. Also involved in the project is TrainMe, a retail RTO, in conjunction with Woolworths Limited and their human resources managers in this state. The program is supported by the Australian government Department of Education, Employment and Workplace Relations and the South Australian Department of Further Education, Employment, Science and Technology through South Australia Works.

Together with this consortia they source, train and mentor suitable Indigenous candidates to fill roles at all levels of the organisation from checkout operators to night fillers, to school-based trainees to bakery apprentices, to meat apprentices and to management positions. Together they support the store managers and supervisors who work closely with the HR and management teams throughout the state to ensure that everyone is able to support and achieve the high ideals that this program has set.

Woolworths would like to aspire to having a minimum of two indigenous people employed in all of their larger sites and distribution centres across the state during the two-year period that the program is running. Woolworths currently has 55 Woolworths stores, four Big W stores, and two distribution centres in South Australia, plus the Dan Murphy chain, so indeed there are many real jobs that are available to this community.

Currently the project is funded and has nine programs rolled out of 10 weeks' duration. This will involve roughly 221 unemployed Indigenous South Australians across the country and metro area during 2011 and 2012. The 10 week pre-employment training is primarily focused on getting

participants work ready, and comprises a comprehensive and proven personal development program aimed at building their self-esteem, self worth and confidence. It particularly involves customer service skills, numerous role plays, site visits, retail technical skills, grooming, financial management, computer training, resume writing, business knowledge and understanding, and a two-week job placement.

The stats for this program are truly remarkable. At least 56 of the graduates are currently employed in the Woolworths chain, and five have moved on to further employment external to the chain. I would like to commend the students, the graduates, and their families, the consortium and Woolworths SA for their inspiring work and commitment in transforming the lives of Indigenous South Australians and their families, providing real and long-term jobs and a new pathway to a better and brighter future.

REGIONAL REPRESENTATION

Mr PENGILLY (Finniss) (15:26): I would like to draw the house's attention to a recent edition of *The Times* Victor Harbor newspaper, with a circulation of 30,000. It has a story in there about a big plan for Victor. It was so important that it commissioned a poll on it, and out of the 30,000 readers they had 13 people comment on the poll: 61 per cent voting yes, 15.4 per cent voting no, and 23 per cent unsure—out of 13 votes.

Now, hold your breath Madam Speaker: this was an announcement by the member for Mawson that he has a plan, a big plan. It is a devious plan, this Bignell plan. The member for Mawson hopes to deliver the government the next election on the back of rural seats. What is the plan? Well may you ask, Madam Speaker. The honourable member wants to appoint 14 more ministers—that's right, 14 more ministers. These ministers would apparently be called 'regional duty ministers', and would have so-called 'regional duties'. These ministers would have a few roles, such as driving themselves to the region, holding five meetings in the region, attending at least two sporting or recreation activities—for example, bowls, tennis, football, netball, cricket, and cycling. In other words, he wants to appoint Labor ministers to do the same jobs as, in the main, Liberal local members do.

He wants to appoint—and therefore provide funding for—members of the government to go into these regional areas, where most of them have never been before, because he knows that Labor is on the nose, and he knows that Labor cannot win these seats. They have tried this before. They wanted the seat of the august former member for Stuart, the Hon. Graham Gunn. In fact, they tried 12 times. They knew they had a dud candidate, and they knew that rural people could not stand Labor, so they sent the candidate up there with a government job to do some undefined and nebulous work while they, basically, provided him with a healthy private income while he contested the seat. They failed on that attempt.

They failed then, so the member for Mawson wants to take this genius plan one step further. The member for Mawson is putting on a show of political genius; he is going to spend thousands of dollars of government money to appoint new ministers to do exactly what local members, who sit in here, currently do. It is a tactic worthy of Machiavelli. He is going to use government money to create an alternative power structure so that his people win some regional seats. If it were not so deeply serious—that he wants to spend government money on 14 more ministers for blatant political purposes—it would be absolutely hilarious.

We are all aware of the political acumen of the member for Mawson, and the person who is most aware of the member for Mawson's political acumen is his close friend and loyal colleague, the former treasurer, who is currently Minister for Police. I have to say—and this is a rare and exciting thing for Mr Foley—that I completely agree with the former treasurer, I completely agree with Kevin. He was absolutely right when he was quoted in *The Australian* on 21 April this year, a week or two ago, as follows:

> 'The nervous nellies and the panickers that are the Labor Party in South Australia should take a cold shower,' Mr Foley said from the US. 'Aspiring backbenchers who wish to be ministers, and those aspiring to be MPs, have about as much political genius as I do in my left toe'.
>
> Mr Foley singled out backbencher Leon Bignell for special criticism. 'I wouldn't want to rely on Mr Bignell's judgment on the politics of how you win elections,' Mr Foley said. 'He's an ex-ABC reporter who runs around pretending to be a political genius. What I am seeing now is a bunch of young, inexperienced, immature backbenchers who find it much easier to panic than be strategic, calm and sensible about where we are in the political cycle.'

This shows a few things. It shows the contempt with which the member for Mawson and his ministerial colleagues view this parliament and the regional members within it, including their own single regional member—yourself, Madam Speaker. Contempt they shower on you, Madam Speaker. 'Never consult when you can spend more money' is their motto. Why bother asking the immense knowledge of the regional members in this place when you just appoint another 14 ministers?

Secondly, it just shows how pathetic the regional development minister, the Hon. Gail Gago, is. On a recent visit to my electorate, she did not bother to give me the courtesy of letting me know that she was in that area. The Premier always does—he always does. They know she is hopeless. They know she is completely out of her depth, yet they keep promoting her because they have to. There is no-one else up there in the other place. What a sign is it that, instead of dumping their useless minister, they have to appoint 14 more to help her! It is an absolute joke.

Finally, it just shows how completely out of touch they are. It proves that, for once, Kevin Foley is right: the member for Mawson is running around pretending to be a political genius by hatching this miserable plan to spend money to win rural and regional seats, to force their members to go to rural and regional events and—shock, horror!—to actually drive themselves out there to do it. They think rural and regional people are stupid. Well, the people in my electorate are not. When you poll 30,000 people—

Time expired.

REGIONAL REPRESENTATION

Mr BIGNELL (Mawson) (15:31): I am glad I am following the member for Finniss because he comes in here and just abuses people. The guy should actually get his facts right. It is not about appointing 14 extra ministers, and this is how dumb the member for Finniss is. There are 14 ministers and it is about getting those ministers out into regional South Australia and to be engaged with regional South Australians.

Having travelled around the state since the report was made public, there has been lots and lots of positive feedback. I notice that the only people who have really knocked it are the member for Finniss here today and the member for Flinders, who put out a release. I have to say that a lot of the reason for this is that people in the regions are not getting the message through their local Liberal members of parliament because they consider that their seats are so safe that they have become so lazy and they are not reporting on the issues in the bush. I must commend someone who is Independent and that is the member for Frome—

Mr Pengilly interjecting:

Mr BIGNELL: —who I have been travelling around the state with recently—

Ms Chapman interjecting:

Mr BIGNELL: —on our grain select committee, and the member for Frome—

The Hon. A. KOUTSANTONIS: Point of order, ma'am!

The SPEAKER: Point of order! Minister.

The Hon. A. KOUTSANTONIS: To be fair to the member for Mawson, he sat quietly during the member for Finniss's diatribe. I think it would be nice to be man enough to sit there and listen to the response.

The SPEAKER: I am not sure what your point of order was, but I certainly uphold that. Members on my left will be quiet. The member for Mawson.

Mr BIGNELL: This government has spent hundreds of millions of dollars in the regions and, through community cabinets and through regular ministerial visits to regional South Australia, we are out there in the regions. This is something that I have put up as a suggestion of some way that we can make that connection with regional South Australia even better, so it is really funny to see the Liberal Party, who do have most of the seats in regional South Australia, as the only people complaining about it. There has been some fantastic feedback from people in the regions who I have run into and also from regional newspapers.

The member for Finniss mentioned the member for Giles—the Speaker. One of the first places where I brought up this idea was Whyalla with a group of people there, and it was overwhelmingly supported. I think the member for Finniss is not only wrong in saying that we are

going to appoint 14 extra ministers. What a dope you are, member for Finniss! You just cannot even get it right. We are actually getting the 14 ministers who are currently there to go out and spend a week in the regions. You cannot get your facts right: that is not my problem.

I will now get to the subject that I was originally going to talk about today, and that is Police Foundation Day. South Australia has the third oldest police force in the world and, last Thursday, 28 April, was Police Foundation Day when we recognise the establishment of South Australia's police force back in 1838 when a police inspector, 10 mounted constables and 10 foot constables were sworn in to create South Australia Police, the first centrally-controlled colonial and then state police service in Australia and the third oldest in the world.

Last Thursday's ceremony also recognised the site of Adelaide's first gaol, which is in the north-east corner of the grounds of Government House. It was a very interesting ceremony, and it was great to hear from historian Max Slee who last year wrote a book about South Australia's first head of the police force, Mr Inman. Through doing his research on the biography of Henry Inman, the first commander of the South Australian police force, he discovered that the original Adelaide gaol was in the grounds of the present day Government House, and the first four or five convicts in South Australia who were hanged in the colony are actually buried there.

It was great to have His Excellency the Governor, Rear Admiral Kevin Scarce, at the ceremony, along with the Commissioner of Police. The Governor said that he would throw Government House's gardens open to an archaeological research program and let them come in to search for skeletal remains, and also the remains of the original buildings. So, I would like to thank His Excellency for his cooperation because it is a very important part of South Australia's history.

Back when the first gaol was built, the marines who had travelled with Governor Hindmarsh had gone back on the *HMS Buffalo* with him, leaving the gaol to be run by the police force with its 18 members there in its fledgling days. So, there is a connection there with the modern day police force, although police officers no longer are the keepers of the gaol.

MINING (ROYALTIES) AMENDMENT BILL

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Mineral Resources Development, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services) (15:36): Obtained leave and introduced a bill for an act to amend the Mining Act 1971. Read a first time.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Mineral Resources Development, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services) (15:36): I move:

That this bill be now read a second time.

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

Leave granted.

In the 2010-11 Budget, the Treasurer announced the reform to the mineral royalty regime in South Australia to secure a more appropriate dividend for South Australians from our mineral resources, whilst maintaining the State's competitive business climate through incentives for new mines and mine operators who substantially refine their products in South Australia. In accordance with the Budget announcement, this Bill provides for section 17 of the *Mining Act 1971* to be amended to introduce a new three-tiered system for mineral royalties from 1 July 2011.

The current royalty rate in the *Mining Act 1971* is set at an ad valorem rate of 3.5 per cent of the ex-mine gate value of all minerals, other than extractive minerals that is based on a volumetric rate. A concessional rate of 1.5 per cent currently applies for the first 5 years of a new mine that has an approved existing new mine determination.

A new royalty rate of 5 per cent will apply on bulk export commodities such as iron ore, coal and copper concentrates. This change to royalty rates will bring South Australia into line with Western Australia, where the 5 per cent rate is already applied to the ores and concentrates.

The mineral ad valorem royalty rate of 3.5 per cent will be retained for refined metallic products, including refined copper, gold and silver. It will also continue to apply to certain categories of industrial minerals and construction materials including salt, limestone, dolomite and gypsum. Retaining the 3.5 per cent rate for industrial minerals and construction materials will ensure that the housing and construction sector is not affected by the changes.

The new royalty structure is intended to sustain the existing investment in metallic processing, in particular the smelting and refining processing at the Olympic Dam mine, which undertakes more on-site value added processing than any other base metal mine in Australia. Currently in South Australia, those mines producing refined

metal including Olympic Dam, Challenger and White Dam would be subject to the 3.5 per cent royalty rate for the refined products.

The existing concessional rate of 1.5 per cent for the first five years of a new mine will be changed to 2 per cent. 'New mines' approved prior to 16 September 2010 will pay a royalty rate of 1.5 per cent for the first five years of the mine's operation. New mines approved after 16 September 2010 will pay the 2.0 per cent concessional royalty rate.

The retention of a 'new mine' rate, albeit slightly higher than currently, is considered an important ongoing concession for new start up mines. The 'new mine' rate provides a competitive royalty rate for South Australia and recognises the negative cash flow and high risk involved in the pre-mine and construction periods of a mining operation.

For the financial year 2009-2010, approximately 80 per cent of South Australia's mineral royalty revenue was sourced from three mining operations being BHP Billiton's Olympic Dam, OZ Minerals' Prominent Hill and OneSteel's Middleback Ranges iron ore operations.

The existing Olympic Dam operation would face increased royalty payments only in respect of its uranium oxide sales. Refined copper, gold and silver will continue to attract 3.5 per cent royalty.

The grandfathering of the new mine rate at 1.5 per cent is considered to be an important concession in respect of Prominent Hill which would face an increase in its copper concentrate royalty to 5 per cent but not until the new mine rate concession expires from 2014-15 onwards.

Other existing mines paying the 1.5 per cent rate will be subject to this rate until the end of their five year term including the Jacinth Ambrosia, Angas, White Dam, Cairn Hill, Mindarie, Kanmantoo and Honeymoon mines. Upon expiry of the new mine rate concession those mines producing a mineral ore or concentrate will be subject to an increase in royalty rates from 3.5 per cent to 5 per cent.

The OneSteel iron ore operations currently have rates of royalty imposed under its Indenture arrangements, the *Whyalla Steel Works Act 1958*. It is proposed to amend the *Whyalla Steel Works Act 1958* to introduce a phased increase in royalty rates applying to export iron ore.

The Commonwealth Minerals Resource Rent Tax scheme was announced on 2 July 2010 and is payable by iron ore and coal mining operations that exceed taxable profits of $50m per annum. The Minerals Resources Rent Tax will provide a full credit for current and future state mining royalties paid by the mining companies. In South Australia, currently OneSteel iron ore operations will be subject to the Minerals Resources Rent Tax scheme with some smaller iron ore miners in South Australia likely to be subject to the scheme in the future.

The Government has already consulted with key mining companies and the South Australian Chamber of Mines and Energy on these reforms.

In summary, these reforms introduce a new three tiered royalty system, that:

- aligns the mineral royalty rates with other Australian jurisdictions;
- ensures an appropriate return to the State and community from the revenue generated from the State's mineral assets; and
- continues to encourage investment in the development of new mines by maintaining a competitive business climate.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will come into operation (or be taken to have come into operation) on 1 July 2011.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Mining Act 1971*

4—Amendment of section 17—Royalty

Changes are to be made to the royalty rates for certain minerals other than extractive minerals.

5—Amendment of section 17A—Reduced royalty for new mines

A change is to be made to the royalty rate for new mines under section 17A of the Act.

6—Amendment of section 17F—Processed minerals

This is a consequential amendment.

7—Amendment of section 92—Regulations

The maximum penalty that may be imposed for a breach of, or non-compliance with, any regulation is be increased to $10,000. This new amount is consistent with the administrative penalty regime to be introduced under the *Mining (Miscellaneous) Amendment Act 2010*.

Schedule 1—Transitional provision

1—Transitional provisions

This schedule sets out transitional provisions for the purposes of this measure. The amendments to section 17 of the Act are to apply in relation to minerals recovered on or after 1 July 2011. The amendments to section 17A of the Act are to apply to any new mine declared on account of an application made on or after 16 September 2010 (including a mine declared to be a new mine after that date and before the commencement of this measure). The new rate for new mines is not to apply to a new mine declared under an application lodged before 16 September 2010.

Debate adjourned on motion of Ms Chapman.

SUMMARY OFFENCES (TATTOOING, BODY PIERCING AND BODY MODIFICATION) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

Ms CHAPMAN (Bragg) (15:40): Before the luncheon adjournment I was outlining the summary of the proposals for reform under the bill. I had been referring to body modification. There is a very substantial expansion of the definition. In addition to tattooing, a number of other types of body modification are defined, and I will not repeat them. One further aspect of the body modification was that under section 21E it is proposed that the bill will restrict the sale of body modification equipment to a minor. This is to attract a different penalty, and I will come to penalties shortly and the reference to what the current and new regime of penalties will be.

The consent components become important in this bill and have now essentially been rewritten. Where consent is required, it now has to have some pre-conditions or qualifications. Parental and guardian consent for non-intimate piercing of a person up to the age of 15 years can be given in person or in writing. Written consent must be provided on the prescribed form and accompanied by a statutory declaration. Records prescribed by regulation, which will include copies of proof of age and consent documentation, will be required to be kept for two years.

Then we have the provision under section 21D(2) which states that, in relation to a minor, it will be an offence to perform a body modification procedure or piercing if that person is intoxicated, and a person who is intoxicated also cannot provide consent, written or in person, for the minor. So there are two things: first, the person who is intoxicated cannot give the consent, whether they are in the room or purporting to sign the necessary forms; and, secondly, the person who is receiving the procedure is not allowed to be intoxicated, otherwise the person carrying out the procedure is liable to commit an offence.

It is a defence to the section 21B provision if the defendant proves that he or she believed on reasonable grounds the person was not intoxicated, which is an interesting reversal of what currently applies to questions of competence to give informed consent. The bill introduces requirements for body piercing (other than the ear lobe, which I have referred to) to have written consent explaining the nature of the procedure and including the prescribed information associated with the health risks of the procedure. A copy of the contract must also be provided for free to the customer.

The final area which has been significantly changed is the introduction of a whole new proposed section 21I. This will set out a new regime for police search powers, remembering that there are a number of new obligations that now fall on someone who is going to undertake a number of these procedures. There needs to be various record keeping and the obtaining and keeping of consent forms. They need to have undertaken certain processes, including associated statutory declarations. They need to, obviously, provide certain information and retain on their records certain information, including proof of age and the like. So there is a whole regulatory procedure that requires documentation to be kept to provide, essentially, the supportive evidence that the procedure has been carried out lawfully.

Because there are expanded areas of practice to which children cannot have access to the procedure at all, that is, it is prohibited, clearly, there needs to be a regime of enforcement that is commensurate with what is about to be imposed.

I think that, in general, there are a number of aspects of this record keeping and the like, which would attract the services of health officers of local government—or even of the Department of Health, if that was an appropriate authority, but usually these are matters which are under the supervision of a health officer from local government.

As members would know, health officers of local government under our Public and Environmental Health Act—which either is about to change or has changed (I think it is about to change under our new Public Health Act)—undertake these responsibilities and do the appropriate checks, and, where there appears to be a breach, for example, if there is a failure by someone to register a notifiable disease, then the health officer refers that to the relevant agency, and that may or may not be the police representative.

What this bill purports to do rather uniquely is to introduce a new regime about what the police search powers are to be for the purposes of enforcement of these offences which appear, on viewing the Summary Offences Act, to apply to no other offences under that act. I have had a look through it again, and I think that I am correct in saying that this new section 21I is a section within part 4 which relates only to body piercing and modifications and not to any other offences, and there are a lot of others, and I will refer to some of them in a moment in relation to penalties.

However, in relation to this aspect, the bill proposes that members of the South Australia Police will be able to enter premises providing the services of tattooing, piercing, modification, etc., to inspect, copy or retain copies of documents. A police officer would be also empowered to require a person who they reasonably believed to be a minor to give their name and address, proof of age and information about the procedure they are seeking.

The basis upon which the police would say that this may be necessary is, of course, if they were undertaking criminal investigations. A number of concerns have been raised about this, in particular the fact that no other service industry has laws that allow the inspection and removal of private client data without a justifiable cause. In fact, this new section 21I of the bill only requires that it be a reasonable time for an officer to inspect and retain documents prescribed by regulation, and only if the police propose to retain copies will it be necessary for them to suspect an offence.

Already significant powers exist for local government health officers (as I have referred to) in relation to health and public safety standards through the Public and Environmental Health Act; which, as I say, is about to be replaced by the Public Health Act and which, I think, went into deadlock in this house, from memory, yesterday. Nevertheless, assuming that it follows the usual course and ultimately there is some resolution, we will have a new Public Health Act.

In any event, we are going to continue to have a regime of legislative framework to facilitate the protection of health and public safety standards, and that provides a significant amount of protection and power to those officers to undertake their responsibility.

The question of recurring concern that has come to us from the public health experts is that overregulation will encourage consumers to access amateur providers or self administer; this is the backyard, underground, a mate, a friend, and certainly unqualified in any professional training. The other areas of concern relate to minors having difficulty providing proof of age for procedures, apart from the learner's licence. There are a few reasons why a 16 year old would require identification. This requirement may also encourage minors seeking piercing to choose amateur rather than professional services.

They are the sort of extent of changes. As I said in opening, a number of the aspirational purposes of this by the Attorney, disclosed in his second reading, we would agree with, but herein lies a number of areas of concern. One is as I referred to, namely the consultation that was invited by the government, and where some 40 submissions, on his information, were provided on the draft bill, some of which I have acknowledged, but we have not seen all of these submissions. The government at least listened to some of these issues and have removed them from their proposed draft and, accordingly, the bill that is before us.

There were two things in principle that we asked the government to share with us in relation to this bill. One was that we would like to have a look at the submissions on the bill. I attended a briefing yesterday provided by the Attorney-General's office and representatives of the Attorney-General's office (I think the department), and there were also representatives from his ministerial office present. I conveyed my inquiry as to whether the submissions would be available.

The response was that the submissions were subject to a freedom of information application by the Hon. Stephen Wade and that that was a matter in progress, and, quite

appropriately, that that was a matter in which the representatives present at the meeting should not interfere with—no issue about that. It was denied that there was a request for submissions to be provided, in any event. I understand there had been a request, at a previous briefing, to the Hon. Stephen Wade. So I inquired of him after this meeting, and he informed me that he had made that request.

It is puzzling to me, given that on the face of it the government has gone to such an effort to call for submissions (he even invited me to make a submission), and on the material provided to me there was nothing in it that I received, which I assumed was a standard letter, that had gone to all those invited to submit, to suggest that the material provided in the submission would be confidential. There was not even any tick a box, which is sometimes the case on invitations for submissions, to ask that the information be kept confidential.

But, if there was or there had been a corresponding request by the person making the submission that it be kept confidential, then one would have expected that from the minister's office surely we would have received some indication that that would be the case and that therefore a certain number of the parties submitting may have been seeking that their submission not be made public to anyone, or even to us. In any event, that response had not come at all.

So I do express my concern that, for something that is of importance to the government, for which on the face of it they have undertaken a comprehensive public consultation, we as the representatives here in the parliament cannot see what is in those submissions. An alternative procedure could have been that this bill not be progressed until the completion of the FOI application, which for reasons unknown to me it is taking some time—remember, this bill came in in early April and here we are in early May. It seems that, in those preceding weeks, none of the submissions at this point under that FOI process have been produced.

I do not really mind which way it goes, but it seems to me that the government needs to show good faith by either not insisting on the progress of this bill until those submissions are provided or, in the alternative, if they want to rely on the FOI process—and there are some legitimate reasons for nondisclosure, and sometimes that is the case; I accede to that—then we could receive what is lawfully able to be provided. However, to advance this bill in the absence of either of those processes would be quite unacceptable, and I express my disquiet on that.

The second thing that we asked of the government was that it provide us with some information about the history of prosecutions under the current legislation. As members will recall, the current section 4 of the Summary Offences Act prohibits tattooing on minors (anyone under 18). That information was forthcoming. At my briefing yesterday, it appeared that the briefing officer had the information but had not yet diagnosed or assessed it. However, she indicated that she would make it available and, duly, early last evening, I received copies of the information sought.

I think the answers to the questions asked about prosecutions were quite interesting and illuminating. Members will recall that, when I commenced my contribution on this matter—which is now some time ago—I outlined the importance of any legislation identifying whether a legislative framework, regulation or prosecution process is warranted or justified. This is why it is important to look at what has happened historically. It is one thing to expand a definition of what we are covering here; it is another thing to introduce a whole raft of other regulatory requirements.

It is interesting to note here that, on the information provided between 1992 and 2009—that is 17 years—there were 21 convictions; that is, prosecutions of someone who had apparently committed tattooing on a minor. Since 2000, there have been six. What is interesting about that is that it appears that the number is on the way down. That is the first thing. But here is where the information gets interesting. In relation to these charges and convictions, we asked whether the offender in these cases was either an amateur or a professional. The information provided to us was this:

> There are no actual statistics on whether the offender was an amateur or professional. However, in some cases the apprehension report data lists the occupation of the offender. For those offences where the data was recorded, most were listed as unemployed, which may mean that the offenders were amateurs for the most part, but this cannot be known for sure.

The second aspect that was inquired about was: how many people receiving the service were intoxicated? The answer to that was:

> There is no data available re whether an intoxicated person was tattooed, as it is not an offence at present to tattoo an intoxicated person.

This relates to 18 year olds, I am assuming, because she does not qualify that response. Here is what is interesting. Tattooing offences appear to average about one a year. It appears to be, on that information, going down to less than one a year.

I know, as I am sure the Attorney knows, that statistics do not always tell us the whole story. Sometimes it can mean that people are getting smarter at not being detected, and people are avoiding prosecution or detection. The situation may also be that, because there are now different types of body art, adornment and procedures, they are moving to those things which currently are not illegal rather than being tattooed. I do not know the answer to that because I am not the expert on body art and what is fashionable and what is not. I have to say that, at least as a distant observer of these things, it seems to me that tattooing is still very much in vogue, and it is quite common for the mentors of our young, including those people who dance wildly on video clips, that tattooing is very much an in-thing, and it is very popular.

Over the course of preparing for this debate I have consulted, but nowhere near as widely as the Hon. Stephen Wade, who has attended some of the premises that provide some of these services and has done comprehensive inquiring and investigation of these issues. I consulted important people like Paul Armanas in my office, who is a young chap who tells me he does not have any tattoos anywhere that I need to know about. In any event, he tells me that he is aware of some of these procedures. Even over luncheon, I discussed the subject with Grace Arnold, a young student at school (I think she is 16 years old), and she tells me that she is aware of people in her school—and she comes from a highly regarded Catholic girls college in South Australia—who have piercings, mostly earlobe piercings, I must say I was pleased to hear, and that she is aware of boys, particularly, who engage in the practice of body modification with large holes in the ears, etc.

Again, I am at a complete loss as to why they do it, but, nevertheless, I have had a bit of a discussion with them about it. It seems to me on that very limited inquiry that it is still pretty popular. If anything is to be judged from the pop stars of the day and their public performances, tattooing is up there with adornment of jewellery and other things. It used to be quite wild and exotic to have dangly earrings and pierced earlobes, perhaps, when I was at that age, and to have your hair streaked was seen to be a bit more radical. Nowadays that is way past what is considered to be necessary for their best presentation and, presumably, attractiveness.

So, that is the information that has come to us, and I think that is telling. It is fair to refer to other members of this house. The member for Fisher, ten years ago, I think, even before I came into the parliament, was a man ahead of his time and introduced a private member's bill about the piercing of children. No doubt he will tell us about that. It seems that that did not proceed with any traction. I notice that the Hon. Michael Atkinson secured the adjournment of that debate, and I expect it—

The Hon. R.B. Such interjecting:

Ms CHAPMAN: By interjection, I am reliably informed that it actually progressed through this house. That is to his credit, because at that time he was certainly raising his concern about the health and safety of children, as well as the need to have written consent or someone accompanying the young person.

What seemed to be particularly in vogue those days, with its associated risk, was piercing around the eyes, and the member for Fisher seemed concerned—as we would expect—about the potential for nerve damage and problems in that area. The sensitivity of intimate parts, which we referred to earlier in this debate, is one thing, but the importance of sight is something that a 14 or 15 year old might not appreciate, whereas one recognises its significance as one matures.

An example of that (which I do not think is covered by this legislation) is the legislation relating to optometrists and the regulation of that industry, and the introduction, which was agreed to by the government, of an amendment to require that if young women in particular—again, this seemed to be something that was attractive to them—wanted to use coloured contact lenses which had no optical value for sight or reading but were only to make them look more attractive, to have violet eyes or green eyes or cats' eyes or whatever, it required a prescription.

As I recall the debates on that, the then Minister for Health acknowledged the irreparable damage that could be done to children in unwisely selecting this form of adornment without proper advice and, therefore, a prescription by a qualified optometrist, or it may have been an optician, at least, would suffice to enable some protection to be given the child in those circumstances.

I think the honourable member also raised the risk of hepatitis C. There are other ugly, contagious and transferable conditions out there, but body piercing and blood transferable diseases were obviously of concern to him. I think the Hon. Dennis Hood in another place also raised this issue. I do not remember the detail of that now, but I do recall it being referred to.

So, people have been concerned about what has happened but, sadly, we are not allowed to view their submissions before we can conclude our debate. That could be remedied, if the Attorney-General were mindful to, overnight, find that material—and others may be able to make a contribution on that—and make it available.

I want to address the current legal position. Part 4 of the Summary Offences Act is brief and pretty simple. It makes provision for it to be an offence to tattoo a minor except by a medical practitioner, and it has to be for medical reasons. The penalty is a $1,250 fine or imprisonment for three months. As I think I said earlier, it is a defence if it can be established that the person conducting the procedure reasonably believed that the person was over the age of 18 years. This piece of legislation will be replaced with a new part 4, which is much more expanded to cover all the areas I have referred to.

I would also like to refer to the Criminal Law Consolidation Act because I just want to remind members that there is provision in the Criminal Law Consolidation Act 1935—in particular, section 144F in part 5A of that act—that talks about the use of a false identity.

I refer to section 144F because that section tells us that, if a person is under the age of 18 years and misrepresents their age by using some false identification, then they are exempt—that is, this section about prosecution for using false information does not apply to them—if it is for the purpose of their obtaining alcohol, tobacco or any other product not lawfully available to persons under the age of 18. It also goes on to apply to entering premises which are not ordinarily allowed to persons under 18 years.

The reason I mention that is that the obligation under this act is, firstly, to exclude a number of people under the age of 18 years from certain procedures and very much expand that, but, secondly, to provide personal identification information to access a service. I just want to remind members that, in the course of this debate, children are exempt from prosecution in relation to the use of false identification.

Members might recall that when we debated this at length—and I recall this with the former attorney-general (the member for Croydon)—we dealt with the identity theft legislation which was a particular area of interest to me. I subsequently had the opportunity to meet with the Federal Bureau of Investigation in Washington about identity theft. It is the new criminal activity of the 21st century, along with water theft, which I think is telling in that exactly that has come to pass.

One of the aspects we then moved on to was that, in relation to the question of dealing with children who go into premises that are licensed to sell alcohol and the uses of the identity card, the introduction of these offences was going to be curtailed by not applying to young people if they went in to buy alcohol or, as I say, to buy tobacco or any other product.

I raised concern about this at the time. I felt that, in fact, the then attorney-general was really abandoning some level of responsibility, that if it is unlawful for under 18 year olds to drink or smoke or use a product that says that for whatever reason the parliament has indicated that they should not have access to—that it is bad for them or that is dangerous or that they are not in a position to maturely consider the responsible use or partaking of it—then exempting them from using false cards was simply going to produce a circumstance where that is exactly what a 15 or 16 year old would do if they wanted to access the purchase of a product in relation to which we, as a parliament, have said no.

They will simply get a false ID card to represent themselves as being over the age of 18 years to bypass all of this structure that we put here and simply present that card. They could misrepresent their age, their name or both. It concerned me that, during those debates, there was not any way, other than this section, of bringing to account young people for their role in breaking the law to get access to the very product that we considered may be dangerous to them.

One of the things we were considering at the time was the participation of some young people in binge drinking or accessing nightclubs, and there was one on the corner of North Terrace and West Terrace, but I will not name them. The point at the time was that there was concern about young people getting access to alcohol and using false ID cards to get in. So, the proprietor was able to say, 'Look, I reasonably believed that this young girl wasn't 15, that she was actually

over 18. She showed me her ID card and of course I relied on that'—and why wouldn't they? Of course they do.

It is not unreasonable for people, with dress and make-up and the like, to be able to represent themselves as someone who, to the untrained eye—the usual person, the man in the street—would quite reasonably expect that they are over 18. The answer of the then attorney-general was, and I paraphrase, 'This would put too much pressure on young people and they really can't be expected to account for this. They are only minors, in any event,' and so on along that line.

My assessment at the time was that he represented a government that was very anxious not to lose the youth vote, to be frank. That was my view. I asserted it at the time, and it is still my view that the government was somewhat gun-shy of stepping on the toes of young people who might be offended by not being able to go to the nightclub that they had been going to for some time.

The alternative I put at the subsequent estimates hearing to the commissioner for liquor licensing was that he needed to investigate these matters, particularly after he advised the estimates committee that in the whole of that year not one establishment had had its licence suspended for underage drinking, and yet here in the parliament we were being asked to make decisions to better protect young people to deal with access to or enjoying entertainment in and around premises that sold alcohol. It is just bewildering to think of the extent to which we had gone to attempt to protect these children, and yet, for those who were going to deliberately flout the rules that were set in place, there would be no accountability, no responsibility and no repercussion. To me that was unacceptable then and it remains unacceptable.

However, I just remind members of the purposes of this discussion. I certainly read there is no provision in this bill to in any way modify the provisions of the Criminal Law Consolidation Act and the way out for young people in relation to this new level of prohibitions that we are about to impose.

The second thing I want to refer to is that the government's proposal in this bill is, essentially, to increase the regime of penalties for a number of things. They vary slightly but, essentially, the principal offence will now attract a fine of some $5,000 or 12 months' imprisonment. There are some lesser penalties in relation to failure of record keeping and the failure to provide information to police and the like, which is maintained at a lower level.

I note for the purpose of comparison that there are a number of other offences which I think are commensurate with or less than this type of offence which attract a disproportionate penalty. It is interesting to note that in the Criminal Law Consolidation Act, under division 8, which is female genital mutilation, the punishment for that is imprisonment for seven years if one who performs such a procedure is guilty of undertaking it on a child.

When we go to the Summary Offences Act, we have some interesting comparisons. I might say that I am not critical of the government for increasing the penalty—I think that is appropriate—but I point out that it would be ridiculous if some of these penalties are not in some way proportionate to other summary offences.

For example, under section 10 of the Summary Offences Act 1953, it is an offence to consume dogs or cats. This piece of legislation was introduced, I think, after the Premier listened to some talkback in Victoria and heard that someone thought they might be eating a cat. He thought it was very important for justice to prevail and, to protect the people of South Australia, we should have a new offence to say you are not allowed to eat dogs or cats—notwithstanding that, presumably, he was advised by the then attorney-general that there was already a law that said you could not kill them, cook them or sell them in a restaurant. There was a whole plethora of laws that said you could not deal with such things, but the Premier decided that he was going to—

The Hon. J.R. Rau: We closed the loophole.

Ms CHAPMAN: —as the Attorney-General says—close the loophole and we were going to have a separate fine for eating a dog or a cat. I do not know of any cases, ever, that have been raised as a concern or prosecuted since.

The Hon. J.R. Rau: No, we have stamped it out completely.

Ms CHAPMAN: You stamped it out. I see. That, I might say, had a penalty of a $1,250 fine, and it would be absurd to think that you would have a fine for damage to a child by modification that would have the same penalty. That would be ridiculous. So, on this issue, I

support the Attorney-General in at least differentiating between that absurd piece of legislation and what we are now considering.

The Hon. R.B. Such: He knows the difference between a cat and a child.

Ms CHAPMAN: I hope so. The other interesting comparison that members might not be aware of is that, under section 18A of the Summary Offences Act, a person who, in, at or near a place where a public meeting is being held behaves in a disorderly, indecent, offensive, threatening or insulting manner or uses insulting words, etc, or in any way, except by lawful authority, obstructs or interferes with someone attending the meeting, etc., can be guilty of an offence; and that offence carries a penalty of $1,250 or three months.

I thought I might remember that one next time we have a public meeting and I have any interruption or attempt to interfere by anyone who wants to stop the meeting and people having their lawful say—people who might come along and rally outside the steps of Parliament House or have a public meeting. That is a handy offence. I will remember that one. Incidentally, in my view, it still should not be an offence that is greater than the offence we are currently considering.

The other example is that it is already a more severe offence to use a vehicle, other than a motor vehicle, or an animal (so, that is a horse or any other beast of burden) without the consent of the owner. So we have this absurd situation where there is a penalty of $2,500 or six months' imprisonment if you use someone's car or horse without their permission, yet it is far less if you tattoo a child. So it is an absurd circumstance.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: Yes, fix that one up while you are there. The other matter is throwing fire works. I was a bit sorry when this piece of legislation came in because Guy Fawkes Day used to be a great day of celebration—

Mrs Geraghty interjecting:

Ms CHAPMAN: This is a classic example. I will not revisit the whole debate because I was not here at the time, but I will say this. As a keen observer outside of the parliament, the abolition of Guy Fawkes Day and the opportunity to have any celebration, I thought was a miserable, one-size-fits-all, over-the-top extreme reaction to what was a lot of good fun. It is typical, because, of course, it is absurd to think that you would have fire crackers around little children or in a place of dense population. I would agree with some restrictions in that regard, but to outlaw it altogether when we used to throw penny bombs into the hills or into a gully and have lots of good fun, or have a bonfire and be able to set off some penny crackers, to—

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: —I know—completely close down fun for children—

Mrs GERAGHTY: Excuse me, I think that, perhaps, the member should come back to the debate at hand.

The ACTING SPEAKER (Mr Piccolo): I think that the member for Bragg was actually trying to draw a distinction between the various penalties.

Ms CHAPMAN: Exactly.

The ACTING SPEAKER: I will allow you to go on.

Ms CHAPMAN: There is a penalty for throwing a firework in a circumstance when you either throw it or set fire to or explode a firework or explosive material so as to injure, annoy or frighten, etc., but to light something so as to annoy someone carries a $2,500 penalty or six months imprisonment.

The Hon. J.R. Rau: What if you threw a firework, killed an animal and then ate it?

Ms CHAPMAN: You would be in serious trouble. I make the point that everyone agrees that we recognise the importance of protecting children against any permanent disfigurement or modification of their body in certain circumstances. We agree with that principle, but let us get some kind of comparison in the penalties between the protection of a child as distinct from public nuisance or otherwise irritation to individuals with some sort of relativity. So, let us tidy up what is to be done there.

The other matter which I bring to the attention of the house is that part 15 of the Summary Offences Act prescribes the powers and rights of police officers to undertake entry to property, premises, vehicles and to search certain property, etc., and that applies as a general regime. I was indicating earlier that, with the introduction of a new part 4, it is the government's proposal that we have a different set that applies just to body modification and the management of tattoo parlours, etc., and their record keeping—that we have a separate set of rules just for that. We do not agree with that at all. I foreshadow an amendment to delete entirely section 21I from the bill, because, when it comes to the provisions in part 15, it has been well debated over the years the capacity for police officers to undertake their job.

A fundamental rule always needs to be considered, that is, a balance between protecting the community and the police officers being the enforcers of our criminal law having the capacity to be able to enforce that and balancing that with the rights of individuals to go about their normal life—home, car, anywhere—without unreasonable interference with their freedom or capacity to travel.

So, a lot of different circumstances are allowed—for example, they can enter a property and search a property with a warrant. There are some conditions about when that is ordinarily able to be done, but again there are exceptions to it, even to the extent of police officers being able to break down doors, etc., and even cause damage to property to execute their warrants. There are certain circumstances when that is quite appropriate.

The power to search suspected vehicles and vessels, to be able to board ships, etc., is also part of that; but it is comprehensive, and I think it works quite well. In my view there is absolutely no reason why it should be not applicable and not utilised for this area, some of which I suggest, as I did earlier, public officers of the local government would be exercising rather than wasting the time of differently trained police officers. However—

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: The Attorney interjects, 'They're too frightened.' There can be similar circumstances when certain patrons occupy licensed premises for the sale of alcohol and even the proprietors of those premises are somewhat frightened in dealing with their patrons—I will not go into the detail of it; we have traversed this previously in this parliament—where they do need and have sought the assistance of police officers. That is fine, but to provide a situation where police officers have a special set of powers to essentially enter premises and seize private material without even having reasonable cause is completely unacceptable. Having traversed some of this now, the Attorney will be pleased that I will be brief when it comes to moving my amendment on that.

I will also just mention that section 73 in the Summary Offences Act, which is in part 15, relating to police powers, also gives power to police to remove disorderly persons from public venues. Even that has a penalty of $2,500 or imprisonment for six months. I am not saying it is a bad thing; I am simply saying again that it highlights the comparison with what we are doing. The bill is going to increase the tattooing of a child illegally, or body modification, to that standard, so I am pleased it is being increased.

There is one penalty which is slightly less but commensurate with refusing to obey a police officer under the new regime, with the same penalty of a $1,250 fine or three months. It seems to me that if the new section 21I is removed, the penalty regime in part 15 will still be consistent with the proposed penalties in relation to police powers, which is in the bill.

I will move to specific concerns that we have. One is earlobes. I just want to touch on these because I did mention in a very general way that we were concerned about hygiene and safety practices with earlobes. In this regard, I just want to bring to the attention of the minister one of the submissions that my colleague, the Hon. Stephen Wade, received.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: They provided it to the Hon. Stephen Wade, and he has provided a copy of it to me. It seemed that some of the people who were presenting submissions were very keen to tell other people in parliament what they were proposing, which is great. Had they not done so, I am sure some of the issues would not have been brought to our attention. One of them was the report prepared by Mr Steven Parker. He is a community safety consultant for Southern Primary Health Noarlunga.

Mr Parker raised a number of matters with us, and, I assume from the material that we have received, he has given notice to the government of a number of concerns that he had. They do not exclude earlobes; in fact, they include them. I just want to explain to the Attorney why we are concerned about this. Between the houses we will think about how we might deal with it or how we might better assist the government to get it right, because he is actually an employee of the government. May I say that he is not only an employee of the government in this important area of health and safety, but he is also someone to whom the government only a few months ago gave an award. He actually won the Minister's Innovation Award for Healthy Body Art for a primary school education program. So, I would have hoped that the minister, or at least Minister for Health, would have made sure that the Attorney-General was aware that he was someone who was clearly at the leading edge of—

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: Correct. It says they are not able to be protected.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: Okay. As a recipient of the Minister's Innovation Award and the author of reports on his inquiry into body piercing, infection and injury research, which may or may not have been available at the time of the previous inquiry—I think it certainly post-dated that, but there may have been something similar—Mr Parker made a number of recommendations about identifying piercing-related infection and injury as necessarily being a target for intervention. So, it is not just who gets to have it done or who can do it to them with or without consent, but how and also what instruction should be provided to ensure that the post care is carried out to ensure that there is a reduction, or at least a minimisation, of infections and problems. He states:

A second survey was presented to practising general practitioners throughout the southern suburbs of Adelaide via the Southern Division of General Practice. Surveys were distributed to individual GPs in many of the 96 practices in the region. A total of 134 completed survey responses were voluntarily returned by freefax to the SDGP or collected by the SDGP Practice Liaison Team.

In all, 96 per cent of the responding GPs reported that during the previous 12 month period they had treated a patient presenting with infection or injury following a body piercing. A total of 410 body piercing complications were reported. The most common complication was that of the ear, followed by the navel, tongue, eyebrow, nose, nipple and genitalia, in descending order. The most commonly reported complication was infection—

The ACTING SPEAKER (Mr Piccolo): Going down you mean?

Ms CHAPMAN: This is a direct quote, Mr Acting Speaker.

The ACTING SPEAKER: I just wanted to know what you meant by 'descending order'.

Ms CHAPMAN: To continue:

The most commonly reported complication was infection following a body piercing.

There is no existing data to ascertain the precise proportion of the local population who have undergone a body piercing procedure. However, Department of Health and Ageing statistics indicate that within the general community it is substantial. Therefore, it is difficult to estimate the full extent of complications arising from body piercing from the Southern Adelaide Health Service catchment area.

The survey data constitutes a significant representative sample. The number of complications reported indicates a substantial workload for local GPs and subsequent costs to the Australian health care system. The survey results provide evidence that body piercing can indeed be hazardous to the health of the community, particularly in the youth population. With this in mind, Southern Primary Health Noarlunga has identified piercing related infection and injury as a target for intervention.

The problem here is that we have a bill which does not address this issue at all. All it does is say that it is an offence to make certain equipment available to minors; that is, you cannot sell them tattooing needles, piercing guns or—

The Hon. J.R. Rau: Or to use it.

Ms CHAPMAN: Or to use it, that is right. What it does not do is identify a regime that clearly needs to be undertaken to ensure that the recipient of a piercing—probably also a modification but the area of expertise that is given to us is on piercing—needs to be accompanied by material and advice as to what is to happen with the after care.

In the bill, the preconditions of performing the procedure under proposed section 21(d) relate to the requirement to enter into a written agreement on issues to disclose details of the procedure, presumably, if you are going to inject a needle or a gun, it is going to hurt and it will last

for a certain amount of time, and the manner in which it will be carried out, and then the customer is entitled to receive free of charge a copy of the agreement and the prescribed information. It is a bit like going to the doctor who now—usually to avoid being struck off or to avoid an insurance claim—sits there and meticulously goes through the details of the procedure about to be undertaken. Much attempt is given to ensuring that the proper consent is provided—

The Hon. J.R. Rau: Informed.

Ms CHAPMAN: Not just informed but that they know exactly what they are doing. It is checked off and they are asked to sign a form that they have received the information. They can be advised to get a second opinion and so on. The way that I read that, the expectation here is that there will be sufficient information for an un-intoxicated about-to-be participant to have informed consent and provide that for that procedure to be undertaken.

That is fine, but what is missing is the obligation to provide follow-up care. Advice as to the after care practices that should be undertaken, other than 'dab a bit of methylated spirits on the spot for the next few days', which used to be the advice given to my generation. What I am saying is this, if we are going to have a regime of prohibition, and we are going to allow limited access to these procedures, and we are going to try and remedy the ills—this is the reason for having a restriction for the public benefit—then we need to identify what the ills are. A big problem here, as identified by Mr Parker, is that the aftercare treatment service advice is not there, and these people by their hundreds, just in the southern district, are turning up to GPs to get treatment.

The Hon. J.R. Rau: We will be prescribing it.

Ms CHAPMAN: I hear a murmur of positive response from the Attorney-General indicating that he will prescribe it. I certainly hope that we have some indication of dealing with this issue because if we do not, then we are going to go to all this trouble and still not resolve a very major complication. I am disappointed that there has not been any reference to this in the long time over which the government has had to read this report—since 2006—and to read the investigation that was precipitated by the then backbencher, now Attorney-General. But this would have stood out, because it seems to be not the only one of those that have been raised.

If anything it was heightened by the fact that some other people who presented submissions have talked about the importance of realising that a direct consequence of introducing a prohibition means that those who no longer have access to these procedures are likely, hopefully in small numbers, to find other ways to get around it. One of the areas highlighted in those stakeholders' contributions is the increased likelihood of people accessing backyard or underground facilities.

If that were to occur then we would also have the likelihood of a continuing health problem. Alternatively, we would have an increased use of false identity documents, in which case more of these people would still turn up to have these procedures done without that medical advice or follow-up care. So, I urge the Attorney-General to work hard and diligently to ensure that area is covered.

Those who have contacted us were also concerned about this going underground. They included Ms Morag Draper, and we also received some material from the president of the Professional Tattooing Association of Australia Inc., which was referred to in the briefing provided by the Attorney-General's office. In fact, there are only two other areas of principal concern still left in the system. They raised a number of concerns, and I appreciate that the Attorney-General has acceded to some of them.

They make another point, and this is one of the difficulties of any piece of legislation, I suppose, about making a prohibition for people under the age of 18 years as distinct from under 16 years. The Attorney-General would be aware that there are a lot of things you can do when you turn 16, and there are more that you can do when you are 18. However at 16, with your parents' consent, you can get married, you can leave home—even without your parents' consent—

An honourable member interjecting:

Ms CHAPMAN: And stay home. You can get a driver's licence, you can join the Army and fight for your country or help to prevent civil disturbances, but you cannot drink alcohol or get a tattoo. One of the stakeholders makes that point, and I think it is a fair assessment and is probably why we need to review all this issue. By that I am not suggesting that we rush to give 16 year olds the vote, but we do need to consider that in today's society there are a number of young people

under the age of 18 years who are married, who are already parents themselves, who have a job, who are having sex—

The Hon. J.R. Rau: Perhaps.

Ms CHAPMAN: —to have a child it is usually necessary—and who live independently. It does seem rather curious at best that, in some way, we prevent these people from making a decision when they are out there on their own, even managing other minors, and for them not to be able to have access to this. That criticism was made, and I think it is reasonable for the Attorney, at least with this legislation, not to tamper with the 18 age group because that is already there for tattooing. Other piercings in intimate areas and body modifications are serious other areas, so, rather than changing the age without a thorough consultation and disclosure of the consultation, I accept for that reason.

There was another aspect raised, and I will quote from the Professional Tattooing Association of Australia Inc. Apparently it is an interstate body, I think Western Australia, according to the information I have that was provided from the Attorney's briefing. It stated:

> If professional, clean and hygienic body piercing is not made available to those under the age of 18 years, this will encourage minors to pierce themselves/each other/visit an amateur operator, please see 'Healthy Body Art: Body Piercing Infection and Injury Resource Report' conducted by Southern Primary Health—Noarlunga, dated October 2006.

I have already referred to that report; I do not need to detail it again. I hope the Attorney has read it and, if he has not, he should.

The other matter that they were concerned about is one in relation to which we are proposing to move an amendment, and that relates to the police powers. This was their contribution on the police powers aspect:

> If young people under the age of 18 years are not given the opportunity to independently research professional advice with regards to tattooing or body piercing, without the concern of being questioned and possibly intimidated by a police officer, then this will only encourage them to visit an unprofessional or amateur or even attempt to carry out a procedure on themselves.
>
> The copying and removal of sensitive personal client information is a direct infringement of client privacy and in turn will encourage clients to leave incorrect untruthful and information. In the instance of an infection enquiry, client records are made available to the health department for the purpose of contact and research. If incorrect details are left, then the health department are greatly hindered which will impact severely on the health and safety of the general public.
>
> The serious downside to this is that those who operate unprofessionally will fly under the radar of all legislation and their client bases will increase. Amateur operators who purchase equipment from the internet and medical supply companies do not lease business premises, do not have Australian Business Numbers, do not undertake infection control seminars, do not comply with health department skin penetration guidelines, do not offer any form of after care support and do not know how to tattoo or pierce professionally.

They go on to say:

> Fact: no other personal appearance service including beauty salons, hairdressers, acupuncturists, cosmetic surgeons and/or laser therapists etc. are subject to police checks.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: Well, in this aspect, they go on to say:

> As an industry, we would like to see additional legislation prohibiting amateurs from operating from residential and nonprofessional locations. Adelaide City Council has zoning regulations which should be enforced in the event of an amateur tattoo operator being located.

I do not know whether that is the case, as distinct from the Adelaide City Council zoning regulations, but, in any event, that is their submission.

The general concern about disease transmission being on the increase is making it hard, really, or at least intimidating, for young people to seek advice and get relevant information—even a comparison between service providers, if one bit of information is left and it is going to be made subject to a potential raid by a police officer.

These are all aspects that have been raised. Apart from the risk of enhancing the use of amateur operators who, as I say, fly below the radar, the concern is this: it seems that people who breach the rules at the moment—which is the no-tattooing for under 18s—are largely, on the information provided by your office as best as it can be interpreted, amateurs. The information, as

the Attorney might recall, is that the offenders recorded their address as 'unemployed'. Now, they may have lied but that was the basis upon which the assumption is made that they were amateurs.

The other aspect that I just want to touch on is the intoxication requirements. It is important to ensure that when consent is given, it is informed consent and that the person who is giving the consent is not acting under some disability that prevents them from being able to make that informed decision. Sometimes there is a mental impairment; sometimes there is an illness; sometimes there is influence by a drug or alcohol that renders them unable to think clearly and make an informed decision.

The imposition here, which is largely that the person is not allowed to do it if they are intoxicated, is pretty obvious. It is a bit like a doctor conducting an operation or a pilot flying a plane—of course they cannot be intoxicated, and there is good reason for that. To have to make an assessment about whether or not the person is intoxicated, which is now a prerequisite to entering into the agreement to undertake the procedure, raises the question as to whether that person is qualified to identify whether that person is intoxicated.

What is reasonable when anyone is asked to make an assessment that consent is given is that, in all the circumstances, they are willing; that is, the person is there of their own volition and that they are not under the duress of a whole lot of rowdy mates who say, 'No, you've got to line up and actually have this. You've got to show us you're a man,' or whatever, 'and line up and have this tattoo. You said you were going to do it,' and so on, so they are not under the duress of their own friends, or whether they have a mental impairment, or whether they do not appear to be sufficiently understanding of the procedure or the seriousness of it.

These are all factors which, quite reasonably, the person who is about to conduct the procedure would need to assess. They have to be satisfied that consent was there. So, why pick out one feature—just intoxication—as though that is the only impediment on which they have to make an assessment for the purpose of whether they are giving sober consent?

What I suggest to the Attorney-General is that the qualification of intoxication here is unnecessary. There is sufficient law on the question of what is consent for that assessment to be made if it is subsequently argued that the consent was withheld, misunderstood or whatever. Intoxication has been plucked out as though a requirement will be created that will crush out some social ill, if one is in existence at all—that is, that people get these procedures done when they are intoxicated and that there is some high level of that. I thought that we had dealt with the drunken sailor stereotype and that the reality is quite different.

The Hon. Stephen Wade, who is a man of very sober practices himself, has investigated these matters and thoroughly and comprehensively considered this aspect. He tells me that in fact something near half the people who go in to ask for a tattoo actually present with a picture (usually a printout from the internet) of what they have in mind to be done to them. So, that person presumably has sat down in front of a computer, considered what the options are, investigated what tattoo they would like to have done, printed it off, made the appointment and gone in and asked for it to be done.

In the absence of there being any evidence and relying on the anecdotal comment of someone who might have had a tattoo done decades ago and who comes back and says, 'Now that I'm 55 I've decided it wasn't such a good idea. I was half-cut one night when we all went out on my buck's show and I got this done,' as the basis upon which we need an intoxication clause, I suggest, is not adequate. I am sure that the fine young men of today would not have got themselves in that state.

I do not want to mislead the parliament because that might be wrong, so I will temper that assertion with the fact that young people today, at least on the information we have, do make a conscious decision to have a tattoo or body modification procedure. They go in and provide their consent. If they are under 18 and if it is piercing, of course, it is with the consent of their parent, often in the presence of their parents. That was some other interesting information that I received from Grace Arnold today in her advice to me as a young person. Even when she had her ears pierced she went in with her dad and had it done, and that is quite common.

I am sure that, at the moment, when some young girl at 19 decides that she wants to have a little tattoo on her ankle or above her bikini line like some pop star does, she has thought about it and decided it is a great thing to do because Madonna or Victoria Beckham, or someone, has one somewhere, and it is very attractive and she is going to have it done also. I think that, in the absence of there being any evidence that, currently, people are having these procedures done only

because they are in a state of intoxication and they wake up the next day totally regretful, is an unfair reflection on the young people of today, and I think the Attorney should have more developed research and evidence to present to us before he goes down that line.

I want to come to the proscribed practices, because we have a quite definitive process. One of them is that we cannot have implants under the new body modification, and I will ask the Attorney in committee to identify (so I am sure he is listening intently to this) whether or not some of these things will be affected.

I recently observed on television that someone had implanted a microchip somewhere in their wrist, and they were using the microchip as a means to open their front door, car, etc. It is like one of those little cards we have to use to get in and out of Parliament House. It seemed to me that that would be within the definition of implants and the prohibition that we are currently talking about.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: Yes, well, that may be so. To have this clear, the Attorney-General interjects to say your GP could do it for you. The GP can only do it for us under the definition that is proposed in this legislation, that is, if it is required for medical purposes. I have to say, on the program I saw (assuming that all the information was accurate), this man had done it for his own convenience. He did not want to take his keys out, lose his keys, or whatever, and he thought this was a great thing to do. I have to say that it is not something I would rush into, and I know there are a lot of other people who would not necessarily go to those lengths. But we microchip our cats and dogs—we not allowed to eat them but we can microchip them—and we are in an electronic age. Perhaps we will microchip our children to make sure they do not get lost and we can keep an eye on them. They would not be able to dump their mobile phones so we cannot track where they are, etc.

The Hon. J.R. Rau: It is actually in the five-year review.

Ms CHAPMAN: The Attorney says there is a five-year review. In any event, I think microchipping needs to be looked at. The other example under proscribed practices is tongue forking.

The Hon. J.R. Rau: That is in there. That is in there as part of the definition of body modification.

Ms CHAPMAN: The Attorney says that it is in there. On the definition, I do not see it, but, if it is there, I am just giving some alert to the minister that I will be asking about that, because that does appear to be a procedure—

The Hon. J.R. Rau: That is intended to be covered by—

Ms CHAPMAN: That is intended to be covered.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: Okay. I will ask you that in committee and you can just cover that. The other is what we might inadvertently be covering, and I would like some indication from the minister as to what he proposes to do here. One is this question of hair removal—

The Hon. R.B. Such: That happens naturally.

Ms CHAPMAN: —yes, for some—laser removal of hair and skin exfoliation, which are largely beauty treatments, if I could put them into very generalised practices. There are a number of practices there. I will be looking for some indication from the minister as to whether he is proposing in any way to introduce these as prescribed practices, which would therefore make it illegal for young girls to have their legs lasered, or other types of things.

Permanent hair removal in a genital area, for example, would, on the face of it, be something that would be unacceptable for the thrust of what we are talking about in this legislation. We will look for some guidance there, because the logical extension of that is that we would, perhaps, inadvertently catch a whole lot of beauty therapists, and so on, who undertake some of these procedures to the immense acclaim of their clients and which they would want to participate in.

The logical type of thing we are talking about is when there would be, say, a breast reduction or an enhancement which would be done by a medical practitioner but which would not necessarily be done for medical reasons. An implant, for example, if it was a breast enhancement,

could be captured under this. We are looking for some guidance in that regard. I will say that if a medical practitioner says that it is necessary for an under 18-year-old girl to have a breast reduction for a medical reason, I would accept that. I think that may be necessary. There may be a major problem.

Similarly, we have modifications which are taken out, particularly on facial features, on deformed children (to use an old-fashioned word) who are brought in from overseas—they have craniofacial treatment, and it is not necessarily required to be done because of a medical reason but is done for comfort and for social acceptance in their community, etc. It is something that we do, and we do it proudly as a humanitarian position.

I think that because we have very much tightened up on not only the exemption being a medical practitioner and for a medical purpose, the issue of what we would otherwise describe as 'elective surgery' is one. There is a fine line, and I remember having this debate with the Minister for Health when he removed a lot of plastic surgery procedures from the public health list.

What that meant was that if one of the surgeons at the Royal Adelaide Hospital took the view that their accident victim needed to have a lot of subsequent plastic surgery, just to be able to reasonably present themselves publicly, that should be reason enough to be able to have the plastic surgery. Obviously, if it is just to make your lips look better or to get rid of some wrinkles, or whatever, then that is to be considered—

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: Yes, well, he was over 18. Commonly now, if we are talking about procedures of enhancement, women will have Botox inserted in them, and there is another one too, but I forget. I am looking back here to a man married to medical people. Women use collagen implants, which apparently have the effect of reducing wrinkles or making their lips look more luscious and kissable. In any event, implants are permanent, as best as I understand, and therefore we need to be clear about where we are going on that. I am also advised by the member for Stuart that there are at least two forms of birth control which involve implants. Again—

An honourable member interjecting:

Ms CHAPMAN: No; it does not necessarily have to be a medical purpose, and this is where the tightening of the definition needs to be tidied up. For example, it would be reasonable if someone took on a birth control procedure, for example, being prescribed the pill to keep the menstrual cycles regular as a medical purpose, to minimise pain, regularity, etc.—no need to go into the detail. Obviously it has another benefit of stopping one getting pregnant; it is in the high 90s percentage. However, the point I make is that if there is an implant for the purposes of birth control other than for a medical reason, but simply to make it more socially safe to have sex and to not get pregnant, we need to be clear about that, and that is what we are looking for.

The final area is one where there appears to be no information other than somewhere along the line a copy of this draft bill has gone to the Aboriginal Legal Rights Movement, as I understand it. No submission has been received. I was informed of that yesterday, and therefore I have not had an opportunity to follow that up.

I do raise this point: the Attorney-General would be aware (and if he is not aware, I am sure the minister for Aboriginal affairs would be aware and, hopefully, the Minister for Families and Communities, who was up and the APY lands yesterday) about the fact that there is a practice undertaken for the initiation of young boys, usually between 12 and 14, in some of the Aboriginal communities. It involves a procedure on male genitalia which clearly creates some scarring.

The opposition has a question about whether or not that is covered, bearing in mind that if it is a body modification it is prohibited altogether, in which case any other adult males, for example, who might be present at the time of the initiation, who are either party to the act of incision or participatory as an accessory, could well be prosecuted.

There is no specific provision in the bill to exempt for cultural purposes, or allow for the practice to be done, through some application procedure, or whatever. I will say for the record that, although I have never attended or witnessed one of these initiations, I have received information over the years of this practice being undertaken on occasions when the child is hysterical with fright, where some or all of the male participants themselves appear intoxicated or under the influence of something they have imbibed and, thirdly, that the procedure is undertaken with implements which are hardly sanitary.

Assuming that is the case in some of these circumstances, this is a practice which at the very least if it is not stopped, and we want to respect the cultural action and importance of this initiation process continuing, we as responsible adults must ensure that it is carried out by people who know what they are doing, people who are sober and, in addition to that, we do it in a manner which is safe for the child.

I have to say that it is not a practice that I favour in any way. I am over here in the category of female mutilation and the importance of that legislation being in the Criminal Law Consolidation Act. I was very vocal about that before my days in this parliament, and I supported the then Hon. Trish Worth in the federal parliament in moving legislation to protect young women against that type of procedure being imposed on them.

I think it is an important initiative; however, we do not provide a similar protection for young men. Clearly though, it is a practice which has been continued, and it may be one that we need in all conscience to continue to respect as something that should be allowed, but that does not mean that we should not consider it in a way that is going to minimise the damage to the child. I for one support the concept that parents should be able to consent to a child being circumcised. I think about 50 per cent of male children are still circumcised (after birth) in our hospitals and clinics. That is something that is exercised by medical practitioners with the consent of parents. Many people elect not to do that.

So, it is not as though young boys in these circumstances would be restricted in being able to have some of this procedure undertaken. It may be that the rest of their initiation—in whatever form that is and whatever thresholds of endurance, or whatever, that they are asked to undertake to satisfy the advance to manhood under Aboriginal culture—is not impeded in any way. This is an aspect on which I think we need to have some answers as to how that is to be accommodated. If this does not apply, what is the Attorney-General going to do to deal with that issue before we complete the debate? So, with those few words I will conclude my contribution. I thank members for their attention.

The Hon. R.B. SUCH (Fisher) (17:17): I promise that my speech will not be anywhere near the length of the member for Bragg's. Members were made aware by the member for Bragg that 10 years ago I introduced the Summary Offences (Piercing of Children) Amendment Bill into this house. It went through the house and was passed. It went to the upper house and, as I indicated earlier by way of interjection, it got within five minutes of being passed when the Democrats created some obstacles by raising very unusual claims about medical standards in hospitals, etc., which had very little to do with the substance of the bill.

Their philosophy was that you should not restrict children. My view is that, if children want to play on the train line, it is a good idea to restrict that behaviour. It is also important that we protect children, and that is where I come from in relation to this bill. I commend the Attorney for resurrecting this issue and trying to get it through, and I trust that this time there will be success.

The issue apart from seeking to protect children who may later regret having had something done to them by way of a tattoo, body piercing or body modification is the health aspect. That really concerns me. I will not be too precise, but someone in the street where I live had a piercing some years ago and ended up with hepatitis C. As we now know, those with hepatitis C are prone to liver cancer.

So, there are very serious consequences and I think people need to be aware, when they have piercings anywhere on the body, and around the eyes and so on, that there is a risk. I am reassured that the regulations will deal with some of the necessity to provide a health warning to people who may consider these sorts of options.

One of the issues I raised back in 2001 was one raised by a dental professional saying that some of the cheap jewellery that is used in piercings has a nickel component that can cause an allergy, which can have serious consequences if dental treatment is required later in life. I am not a dentist, I am not an expert on that, but that was an issue that was raised at the time by a dentist, and it was something that I had not been aware of, and I do not know whether the quality of jewellery has improved but they tell me that cheap jewellery is the main offender.

In terms of tattooing, the other day I had the pleasure of watching the movie *Johnny English*, starring Rowan Atkinson. I do not know whether any members are familiar with that but there is a plot by a nasty Frenchman to take over the Crown of England and part of that was to have a fake Archbishop of Canterbury who had a facial makeover, and above his buttocks he had tattooed 'Jesus is coming, look busy'. Fortunately, the plot was foiled and it never came to pass

with the bumbling Johnny English who, in Westminster Cathedral, defrocked the real Archbishop of Canterbury who, fortunately, did not have that tattooed message on his buttocks, which were on display to the world.

Some other things that I have noticed or become aware of include someone I know who has a tattooed wedding ring. I do not know if it is because it is cheaper than the real thing but I was contemplating whether in the service they say, 'With this tattoo, I thee wed.' I am not sure what they say. But, putting aside those more light-hearted aspects, this is a serious issue. Whilst most people have approached these things with a bit of common sense, the main thrust needs to be to protect young people, and certainly to protect people who might be under the influence and so on who get something done to them that they later regret, and also there is the health aspect.

In essence, I commend the minister. I believe the opposition is not happy with certain aspects of this bill, but I trust that we can come up with something ultimately that gets through both houses, and gets into place to do those things that I believe, as I have indicated, are important.

Mr WHETSTONE (Chaffey) (17:23): I rise to support the Summary Offences (Tattooing, Body Piercing, Body Modification) Amendment Bill. I speak with interest, having three young children and watching them going through the motions, particularly my oldest, I guess, under social pressure, and with the challenges of today's social life as to whether they should get tattoos, whether they should get piercings, whether they should have some form of body modification.

I guess with any body modification, in particular piercing and prescribed procedures, there is a downside. Usually at the time the excitement overrides a lot of commonsense, particularly with the young. With a little bit of history I have seen that tattooing has been around for many thousands of years. It originated in the ancient Egyptian era and some of the first tattoos were first detected on Egyptian mummies. The word tattoo was first used by Captain Cook, believe it or not, in the mid 1700s. He used that word in his journey across the South Seas. In the 17th century the Romans tattooed their criminals and slaves, and in more recent times the Nazis tattooed the Jews during the Holocaust.

However, today people tattoo for all sorts of reasons, whether it is serving in the armed forces, recognising their loved ones—whether it is their mother or whether it is Sue or Janet, on their arms or legs—or achievements, or just for the aesthetic look of tattoos. I can reflect on an experience I had some years ago when I was competing in water skiing. It was a big achievement in the sport of water ski racing that, if you could win the four major races for the year, you tattooed your buttock with the particular signature 'King of the River'. That was something I always chased; I chased it for perhaps 20 years, and I managed not to get a tattoo on my right buttock.

Members interjecting:

Mr WHETSTONE: The price of success! Today we look at aged tattoos and, personally, I do not think it is a good look. That is usually what I base discussions on with my children and young ones. I am normally pretty open with my kids and their friends, sitting around in general discussion: 'Why do you want a tattoo? Why do you want a piercing?' It normally comes down to 'Because he's got one,' or 'Because I like the look of them,' but I ask, 'What is it going to look like in 10 years' time, what is it going to look like when you're a bit older or a bit more wrinkly?' They normally admit that it does not look all that great, it is usually a bit frazzled, a bit blue, not much colour and pretty hard to recognise. If you speak to any elderly person with a tattoo they can usually give you a reason why they got it, but essentially it is something they usually regret.

I also have a little bit to say on body piercing. I guess the history with body piercing is that it has been practised for over 5,000 years. In ancient times anyone with a body piercing was regarded as a good lover and had an abundance of beauty, particularly when their ears were pierced. The Roman centurions used to pierce their nipples as a sign of strength and virility. Today I think people pierce their nipples just because they can; then it was regarded as a badge of honour to have pierced nipples.

In Central America women pierce their lips and then stretch the holes with wooden plates to emphasise their beauty and accentuate their lips. Looking at stretching piercings today, while not common, a lot of the young ones have the 'loops' (as they call them) in their ears. As my son explained, they have a piercing and normally stretch that hole with a knitting needle and then put in an expanded loop earring, which stretches the hole. Once they have broken the gristle, it is much easier to put a cone in that piercing and stretch the hole until it becomes a suitable size. I look at it with a shudder; I really do not think it is a good look. Again, in consultation with the young ones I

am very open: 'Don't think about what it looks like today; think about what your ears will look like in 10 years' time.'

If we look at a little bit more history, with Western civilisation I guess we look at a lot of movies—in particular, *Pirates of the Caribbean* or the old pirate movies. We could see that they used to have a piercing in the ear with a very chunky gold earring. That was done for a reason; it was renowned that piercing their ear would improve their sight at sea. That was the belief. It was also noted that if a sailor was shipwrecked at sea and had that earring, if he was washed ashore the person who found him would retrieve that earring and then give him a reasonable burial. That was a belief many years ago.

In recent years, it has become fashionable to pierce one's ears. More recently, we see nose piercing, face piercing and body piercing, and it is becoming much more common these days to see multi-piercings, particularly on the face. Some people have strong beliefs: whether they have their finger webbing, their toe webbing, their nipples or their genitals pierced, it is all done for a belief or it is the style of person they are.

There are, of course, downsides to tattooing, piercing, branding, body stretching, scarification and any of the other procedures that change the body's look. Of course, I think the member for Bragg has given a very comprehensive—

Mr Pederick: A concise assessment!

Mr WHETSTONE: A concise assessment, perhaps, on some of the impacts, but we look at some of the tattoos and what they can cause—obviously allergies and infections. In some extreme cases with dirty needles and dirty equipment, we see the introduction of AIDS to those people. We see tetanus and hepatitis introduced to people having used not clean needles and equipment. One of the unknown things is that people who have tattoos and then have to undergo a medical procedure, such as an MRI, can experience severe burning and swelling that take many weeks and sometimes months to go away. Again, that is a serious downside to it.

Body piercing does pose much more of a risk, and I have seen infections at all levels. I think ears are probably a very forgiving part of your body; if you do get infections, they do heal and they do go away, but I have seen young ones with eyebrows that had been pierced and have been infected and, once they get infections, I have seen eyebrows that have sagged. That is irreparable. Once an eyebrow has sagged, you have a droopy eye.

With bellybutton piercing, I have seen bellybuttons that have been infected, and it has disfigured the bellybutton. I really do think that it is an absolute pity that young ones can have these procedures done and not be aware of the side-effects. We look at tongue piercing. Normally, with tongue piercing, it is not the conventional earring, where an earring is put through a tongue with the clip at the back. At tongue piercing is a barb, and it is actually pushed into the tongue and it is a sign of—well, I am not sure what it is a sign of, but it is a piece of fashion.

Some of the downside to tongue piercing is that it chips teeth, it breaks teeth severely, and it rubs off the enamel. What I have seen is that, if tongue piercing does become infected, it can restrict eating for an extended period of time, and we are not just talking days. We are talking weeks and months because once the tongue is infected, because we have a lot of bacteria in our mouth and we have a lot of germs on occasions, it really does take a long time to heal.

Piercing of any body parts, particularly the genitals, the fingers and, as I said, toe and finger webbing, does create severe risk of infection. I have also seen a lot of piercings on young ones who get into fights, young ones who previously, before rules, have had those piercings ripped out. It disfigures ears, it disfigures nipples, it disfigures webbing, and it disfigures wherever it has been pierced forever because, once you tear a piercing, and it has torn the flesh, it can be stitched up but there is still that disfiguration.

We also look at other types of scarring to signify ownership, particularly in some gangs, not so much here in Australia, but I have seen some of the gangs in America and I have seen some of the Asian gangs. They scar themselves to give recognition to being a gang member. It is something that differentiates them, between a particular tattoo or a particular welcome. It is all about the harm that it causes and putting the body at risk.

I was a little overawed to see young lads who have had a medical procedure, as I mentioned to a few of my colleagues, called 'tongue-splitting'. That is a procedure that I have noticed on an international singer who has had his tongue split. He has had a reasonable tongue procedure, between one and two inches long; he has had his tongue split and stitched. What it

does is it signifies being part of the family of the snake. We all know that snakes have forked tongues; well, these people do too.

An honourable member: I reckon I've heard forked tongues in here!

Mr WHETSTONE: Yes, and some people do talk with a forked tongue. I have actually witnessed tongue-splitting myself—not of my tongue—but I have seen a bit of a cult of young people who have split their tongues. I spoke to them and they were very proud of the fact that they had their tongues split. To me, it was quite gross; it was grotesque. They did that as young people, and I have spoken with them a number of years later and they have regretted that act.

They said they have trouble with eating, tasting food and with their speech. They bite their tongue all the time. It is just one of those grotesque acts that you do as a young one not understanding the consequences. That is why I believe age restrictions should be imposed. These body-changing acts are, in a lot of instances, done on the spur of the moment with peer group pressure. There needs to be an age restriction put on it.

I would like to extend on this. We are looking at imposing fines. We are looking at imposing penalties on people who perform the acts and the young ones who actually have the procedure, but in a sense there needs to be some documentation. There needs to be some education put out there for young ones to realise the side-effects of having tattoos, piercings and body-changing procedures. It is not about the effect it has on them today, it is about the effect it has on them later in life when they go for a job with a big droopy ear that look gross, a tongue that is all floppy and has a split in it, or tattoos that are faded and saggy. It really is about the long-term effects on these young ones' lives.

Again, we look past adults when they have these procedures done because they are supposed to know what they are doing. One thing I would like to put to the Attorney is that there needs to be a process of education. It is not about fining them. Once it has been done, it is too late. It is about being proactive. It is about the outcome. To have some form of documentation, some form of awareness program, is a much more proactive measure to making these people, these young ones, aware of just what will happen later in life once they have taken this on, whether it is tattooing, piercing or a body change.

In some cases, when applying for jobs, people will look at the face value of someone and immediately they are no-starter. It is a no-brainer that to walk in there with an unusual look about them they don't even stand the initial chance of getting that job. So, that is something that needs to be realised by the young ones.

I believe it is a similar story in the case of young drivers on our roads. It is about educating the young ones. It is about making them aware and educating them to make better decisions in a time of crisis—whether it is a time of crisis on the roads at speed, running off the shoulder of a road, hitting a tree, or getting a piercing or a tongue split. It is about making better decisions in life, and I really think an education program would be much more effective than slapping them with a fine.

I am sure the Minister for Education would agree that education is the best method to teach the young and inexperienced. That is why I present that idea to the Attorney today. We can put fines on people who perform the act and the young ones who have the modification done, but it is about educating them and making them better prepared for the repercussions later in life.

That is my contribution. I endorse the amendment bill and look forward to the young ones being better educated and better prepared for some of these body-changing acts that they do to themselves today, with the effect that will have on them in the days to come.

Ms SANDERSON (Adelaide) (17:41): I rise to speak in support of this bill, and I have a few comments to make. I am certainly very happy with the amount of consultation that was undertaken and the length of time and effort put in by the minister bringing this forward. The only disappointing thing is that we do not get to read all of it to have a good understanding. However, I consulted widely within my own electorate, and I have a few comments to make and a bit of feedback. Predominantly, I think it is a great idea and there are some good initiatives to protect young people from making life-changing decisions.

Personally, I am not a fan of any body modification. All babies, I think we would agree, are born perfect and stunning, and at what point do we think we need to modify our bodies to become perfect again? One of the things we try to teach people in my self-development classes is that you

are still that baby and perfect as you are. There is no need for tattooing, decorating or putting holes in your body because you are already beautiful exactly as you are.

I note that tattooing laws already exist and that you have to be over 18, and I think there are some slight changes to the category it has now been put in. As far as tattooing someone under the influence of alcohol, I believe there was some prior regulation, but this will make it more strenuous.

I come from a modelling industry background, and, certainly, it is very important that any body modification is not done. For example, a lot of Asian countries will not accept a model with a tattoo, even with a small logo or emblem. Even if it is on their wrist where they think their watch will cover it, it can stop them gaining work overseas. It is extremely important and it has cost several of my models work because they have had tattoos, even on their bottom where they do not think it would be visible. You can see through a lot of fabrics, and that is very detrimental to any work opportunities in the industry.

Also, I have had models who have had their eyebrows pierced, and when it has grown out it has left a scar and a permanent mark in their eyebrow. A female can probably cover that with make-up, but for males, who are more likely to have this procedure, it is a permanent scar, and it shows up on every photo and would affect other job opportunities also. I have also seen my share of bellybutton piercings that have become infected and scarred.

For most television commercials, tongue piercings have to be removed. Your tongue heals very quickly and often they will heal within about four or five hours. So if you are in a job where it is not suitable, you pretty well have to have it re-pierced or get rid of it. Generally, most people I know who have had their tongue pierced have not been able to eat for several days. It is not a very healthy thing. As the member for Chaffey mentioned, it does cause damage to your teeth, besides being very distracting and not really appropriate in many working environments. Also, they cannot speak properly. In my consultation there were a few cultural concerns. Hindus, for example, often have nose piercings for their babies, and African people have multiple earring holes. I note that these concerns have been allayed by having the parental consent for under 16 year olds.

I am also satisfied with the changes. I know from speaking with different hairdressers who do piercings that they often feel that many under 16 year olds have forged parent's signatures. It is good to see that that has been tightened up by needing the stat dec signed by a JP; I think that will help reduce, at least, if not hopefully get rid of, the falsifying of parental consent.

The only other thing I think might be a little over the top are the police powers. I think that it is fine for police to search if they have reasonable grounds but, as a business owner, for police to have grounds to search all your documentation and the personal records of your clients with no reasonable suspicion or belief of anything wrong in your business is a bit over the top and really should, perhaps, be brought into line with other normal police powers.

One other matter was mentioned to me. Quite a few young people mentioned a cooling-off period for tattooing. I note that we were briefed that around 40 per cent of people have a design already picked out and that they have put quite a bit of thought into having a tattoo. However, 60 per cent of people obviously have not and possibly do it on the spur of the moment—whether it be a dare, out with a group of friends or peer pressure. I think that a cooling-off period is a wise thing.

It was actually young people who suggested it and who agreed that it was a good idea. When you purchase a house, a car or a big item you have a cooling-off period, and I think that, given that a tattoo is a for-life purchase, maybe you should consider a cooling-off period of three days so that, if you really want it, in three days you can go in and get the tattoo. I would definitely try to talk anyone out of having a tattoo because it is permanent. I think that giving them the extra three days cooling-off period lets them think about it themselves to really assess it properly. That is all I have to say.

Mr PEDERICK (Hammond) (17:47): I just wish to make a few brief comments re the Summary Offences (Tattooing, Body Piercing and Body Modification) Amendment Bill 2011. I certainly support the comments made by the member for Bragg, the contribution made by the member for Chaffey and the contribution made by the member for Adelaide.

For the life of me at times, and call me old-fashioned, I cannot understand some of the body piercings that people do, especially the facial piercings that are obvious to everyone when you see people getting around in the public arena. I do not think that there is not too much space

left on a person's face that has not been played around with. You see pierced cheeks, studs in the nose and studs in the forehead, near the eyes and around the mouth. It is just incredible. To me, it does not do anything for a person at all; and, certainly, some of the intimate piercings that people have I fail to understand as well.

I note the member for Adelaide's comments that she has just made in the house, and I wonder whether people really do understand what they are getting into with tattooing. Recently, just after Christmas, I was on leave in Western Australia, and certainly over there it is very popular to have the full arm tattoo on one side of the body. You see it on a lot of AFL footballers. It might be a trend at the time, but it is a bit like the lady on the Circulon frypan ad—it is a decision you may regret later in life. I was discussing with the member for Chaffey the splitting of the tongue, and I just cannot comprehend why you would go down that path. So I do applaud that there will be some more safeguards in place.

I have an interesting little story for the house about when I was going out with Sally before she became my wife. She went on a trip to Bali, and when she came back we were out with a few friends and someone noticed, when she lifted her shirt, that on her lower torso she had a tattoo with 'Adrian' written on it. One of my friends said, 'Well, you're stuffed now, you're going to have to marry her.' I still married her, but it was only a henna tattoo. So, at this stage it would not have hurt if it was permanent.

However, people do make those decisions. They might have a certain member of the opposite sex that they are in love with at the time, and they may have their name tattooed over their heart, on their chest, or on their arm, and all of a sudden down the track things change. I guess that is something people certainly need to take into consideration. Certainly, with tattooing these are things for life. These are tattoos for life, and people need to be very aware and, as member for Chaffey indicated, they need to be educated on all the risks, whether it is body scarification, whether it is tattooing, or whether it is having piercings put in the body.

Really, I just think people have got money to burn if they want to do one of these practices, but we live in a free society. I agree with members on this side that the proposed police powers are over the top, and I am sure there will be questions asked during the committee stage and also in the upper house. With those few comments, I will leave that as my contribution.

Ms THOMPSON (Reynell) (17:51): I would just like to speak briefly on this matter and commended the minister, the Attorney, for taking account of some of the submissions made in response to the draft bill, and making some of the provisions relating to young people more consistent with the way they live—whether we like the way they live, or not. I have not quite come to grips myself with the extent of body art that is around these days.

I want to point to the fact that Southern Primary Health Care has long been active in this area. The member opposite cited the study that they conducted in relation to infections arising out of body piercing. It was quite clear that the problem is backyarders, and also some of the organisations which are considered to be appropriate. I do not want to name anybody, but it is some of the respectable organisations that offer the piercing by the stapling method, and the stapling method is very difficult to control in terms of infection.

The good old-fashioned grandma's needle over the candle is, in fact, safer in terms of infection, than the way I had my ears pierced many years ago when these stapling gun things came in. Southern Primary Health has done an excellent job in investigating the source of infections and, more than that, it has put together a very relevant program for educating primary school children. While we are talking about young people much older than primary school, the research shows that it is at primary school that children need to learn about the dangers of piercing.

There have been many sessions conducted now in southern primary schools with evaluations that indicate that children's knowledge of the risks involved in piercings has increased considerably and that their attitude has also changed. I think that it is really important that, as we bring in this legislation, we continue with complementary education, both in terms of education programs in primary schools and the other education that Southern Primary Health has been undertaking in the workforce.

In 2009 that organisation won a significant WorkCover grant, whereby it worked with health inspectors in local government (the City of Onkaparinga in this case) to develop appropriate standards for inspections of these facilities. One of the things which actually led to the work done by Southern Primary Health in the area of piercing and tattooing was that health inspectors really

did not have any clear understanding of what it was that they were inspecting. So, the WorkCover grant was very important in working out what needed to be inspected and in training local government inspectors in how to go about inspecting and, indeed, in educating people in reputable tattooing and piercing parlours to undertake these procedures safely. So, I am confident that the appropriate education programs will continue together with the more restrictive legislation that we are about to pass, I hope.

Debate adjourned on motion of Hon. J.R. Rau.

At 17:56 the house adjourned until Thursday 5 May 2011 at 10:30.