

SOUTH AUSTRALIA]

No. 6

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

THURSDAY 1 MARCH 2012

1. Council met pursuant to adjournment. The President (The Hon. R. K. Sneath) took the Chair. Meeting of Council.
The President read prayers.
2. The Minister for Agriculture, Food and Fisheries (The Hon. G. E. Gago), without notice, moved - Suspension of Standing Orders.
That the Standing Orders be so far suspended as to enable Petitions, the Tabling of Papers and Question Time to be taken into consideration at fifteen minutes past two o'clock.
Question put and passed, without a dissentient voice, there being present an absolute majority of the whole number of Members of the Council.
3. On the Order of the Day being read for the adjourned debate on the question - That the Address in Reply, as read, be adopted: Address-in-Reply.
Debate resumed.
On motion of the Minister for Industrial Relations, the debate was adjourned and ordered to be resumed on motion.
4. Ordered - That Orders of the Day (Government Business) No. 2 to No. 4 be postponed and taken into consideration after Order of the Day (Government Business) No. 5. Postponement of Business.
5. On the Order of the Day being read for the adjourned debate on the question - That the Work Health and Safety Bill be now read a second time: Work Health and Safety Bill.
Debate resumed.
And the Hon. R. I. Lucas having obtained leave to conclude his remarks, the debate was adjourned and ordered to be resumed on motion.
6. At two minutes to one o'clock the sitting was suspended until the ringing of the bells. Suspension and Resumption of Sitting.
At fifteen minutes past two o'clock the sitting was resumed.
7. The Clerk announced that the following Petition had been lodged for presentation: Petitions: No. 3 - Tall Ship, *The One and All*.
By the Hon. T. A. Franks from 1,994 residents of South Australia, concerning the tall ship, *The One and All*. The Petitioners pray that this Honourable House will take immediate action to -
 1. Secure a new operator for the iconic South Australian tall ship, *The One and All*;
 2. Ensure that it continues to be used for youth development and training purposes; and
 3. Keep it publicly accessible in Port Adelaide for the people of South Australia.

Papers.

8. The following Papers were laid upon the Table, viz.:
- By the Minister for Communities and Social Inclusion (The Hon. I. K. Hunter) - Natural Resources Management Council - Report, 2010-2011.
 - Regulations under the following Act - Education and Early Childhood Services, Registration and Standards) Act 2011 - General.
 - Revocation of Regulations.
 - SACE Board of South Australia Act 1983 - Fees.
 - Firearms Prohibition Orders - Report prepared by the Commissioner of Police.
 - Parliamentary Tabling Report - Report prepared by the Deputy State Coroner.

Ministerial Statement Tabled.

9. The Minister for Industrial Relations (The Hon. R. P. Wortley), by leave, tabled a copy of a Ministerial Statement made by the Minister for Health (The Hon. J. D. Hill, M.P.) concerning a Suicide Prevention Advisory Committee.

Postponement of Business.

10. Ordered - That Orders of the Day (Government Business) No. 2, No. 4 and No. 6 to No. 12 be postponed and taken into consideration after Order of the Day (Government Business) No. 13.

Business Names (Commonwealth Powers) Bill.

11. On the Order of the Day being read for the adjourned debate on the question - That the Business Names (Commonwealth Powers) Bill be now read a second time:
- Debate resumed.
 - Question put and passed.
 - Bill read a second time.
- The President then left the Chair, and the Council resolved itself into a Committee of the Whole for the consideration of the Bill.

In the Committee

Clauses No. 1 to No. 9 agreed to.
Title agreed to.

The President resumed the Chair, and reported that the Committee had considered the Bill and had agreed to the same without amendment; whereupon the Council adopted such report.

The Minister for Agriculture, Food and Fisheries, pursuant to contingent notice, moved - That the Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay.

Question put and passed.
Bill read a third time.
Resolved - That this Bill do now pass.

Postponement of Business.

12. Ordered - That Orders of the Day (Government Business) No. 2, No. 4 and No. 6 to No. 11 be postponed and taken into consideration after Order of the Day (Government Business) No. 12.

Business Names Registration (Transitional Arrangements) Bill.

13. On the Order of the Day being read for the adjourned debate on the question - That the Business Names Registration (Transitional Arrangements) Bill be now read a second time:
- Debate resumed.
 - Question put and passed.
 - Bill read a second time.
- The President then left the Chair, and the Council resolved itself into a Committee of the Whole for the consideration of the Bill.

In the Committee

Clauses No. 1 to No. 11 agreed to.
Schedule agreed to.
Title agreed to.

The President resumed the Chair, and reported that the Committee had considered the Bill and had agreed to the same without amendment; whereupon the Council adopted such report.

The Minister for Agriculture, Food and Fisheries, pursuant to contingent notice, moved - That the Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay.

Question put and passed.

Bill read a third time.

Resolved - That this Bill do now pass.

14. Ordered - That Orders of the Day (Government Business) No. 2 to No. 4 be Orders of the Day for next day of sitting. Postponement of Business.
15. Ordered - That Order of the Day (Government Business) No. 6 be postponed and taken into consideration after Order of the Day (Government Business) No. 7. Postponement of Business.
16. The Council, according to order, resolved itself into a Committee of the Whole for the consideration of the Vocational Education and Training (Commonwealth Powers) Bill. Vocational Education and Training (Commonwealth Powers) Bill.

In the Committee

Clauses No. 1 to No. 10 agreed to.

Schedule agreed to.

Title agreed to.

The President resumed the Chair, and reported that the Committee had considered the Bill and had agreed to the same without amendment; whereupon the Council adopted such report.

The Minister for Industrial Relations, pursuant to contingent notice, moved - That the Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay.

Question put and passed.

Bill read a third time.

Resolved - That this Bill do now pass.

17. Ordered - That Orders of the Day (Government Business) No. 6, No. 8 and No. 9 be postponed and taken into consideration after Order of the Day (Government Business) No. 10. Postponement of Business.
18. On the Order of the Day being read for the adjourned debate on the question - That the Livestock (Miscellaneous) Amendment Bill be now read a second time: Livestock (Miscellaneous) Amendment Bill.
 Debate resumed.
 Question put and passed.
 Bill read a second time.
 Ordered - That the Bill's consideration in Committee be an Order of the Day for next day of sitting.
19. On the Order of the Day being read for the adjourned debate on the question - That the Tobacco Products Regulation (Further Restrictions) Amendment Bill be now read a second time: Tobacco Products Regulation (Further Restrictions) Amendment Bill.
 Debate resumed.
 Question put and passed.
 Bill read a second time.
 Ordered - That the Bill's consideration in Committee be an Order of the Day for next day of sitting.
20. Ordered - That the adjourned debate on the question - That the Work Health and Safety Bill be now read a second time - be now resumed. Work Health and Safety Bill.
 On motion of the Hon. C. Zollo, the debate was adjourned until next day of sitting.

- Address-in-Reply. 21. Ordered - That the adjourned debate on the question - That the Address in Reply, as read, be adopted - be now resumed.
On motion of the Minister for Agriculture, Food and Fisheries, the debate was adjourned until next day of sitting.
- Messages from House of Assembly: Statutes Amendment (Serious and Organised Crime) Bill. 35. The following Messages from the House of Assembly were received and read:
Message No. 8
MR. PRESIDENT - The House of Assembly has passed the Bill transmitted herewith entitled an Act to amend the Australian Crime Commission (South Australia) Act 2004; the Bail Act 1985; the Controlled Substances Act 1984; the Criminal Law (Sentencing) Act 1988; the Criminal Law Consolidation Act 1935; the Director of Public Prosecutions Act 1991; the Evidence Act 1929; the Intervention Orders (Prevention of Abuse) Act 2009; the Juries Act 1927; the Summary Offences Act 1953; the Summary Procedure Act 1921; and the Youth Court Act 1993, to which it desires the concurrence of the Legislative Council.
House of Assembly, 29 February 2012. L. R. BREUER, Speaker.
The Minister for Agriculture, Food and Fisheries then moved - That the Bill be now read a second time.
On motion of the Hon. D. W. Ridgway, the debate was adjourned until next day of sitting.
- Arkaroola Protection Bill. MR. PRESIDENT - The House of Assembly has agreed to the amendments made by the Legislative Council in the Arkaroola Protection Bill without amendment.
House of Assembly, 29 February 2012. L. R. BREUER, Speaker.
- Serious and Organised Crime (Control) (Miscellaneous) Amendment Bill. MR. PRESIDENT - The House of Assembly has passed the Bill transmitted herewith entitled an Act to amend the Serious and Organised Crime (Control) Act 2008; and to make related amendments to the Summary Offences Act 1953, to which it desires the concurrence of the Legislative Council.
House of Assembly, 1 March 2012. L. R. BREUER, Speaker.
Ordered - That the second reading be an Order of the Day for next day of sitting.
- Postponement of Business. 34. Ordered - That all remaining Orders of the Day (Government Business) be Orders of the Day for next day of sitting.
- Next Day of Sitting. 36. Ordered - That the Council, at its rising, do adjourn until Tuesday, 13 March 2012, at fifteen minutes past two o'clock.
- Adjournment. 37. Council adjourned at thirty minutes past six o'clock until Tuesday, 13 March 2012, at fifteen minutes past two o'clock.

Members present during any part of the sitting:

The Hon. A. M. Bressington	The Hon. J. M. Gazzola	The Hon. M. C. Parnell
The Hon. R. L. Brokenshire	The Hon. D.G.E. Hood	The Hon. D. W. Ridgway
The Hon. J. A. Darley	The Hon. I. K. Hunter	The Hon. T. J. Stephens
The Hon. J.S.L. Dawkins	The Hon. G. A. Kandelaars	The Hon. K. L. Vincent
The Hon. B. V. Finnigan	The Hon. J. S. Lee	The Hon. S. G. Wade
The Hon. T. A. Franks	The Hon. J.M.A. Lensink	The Hon. R. P. Wortley
The Hon. G. E. Gago	The Hon. R. I. Lucas	The Hon. C. Zollo

NOTICES AND ORDERS OF THE DAY

TUESDAY 13 MARCH 2012

Orders of the Day: Government Business -

1. Address in Reply: adjourned debate on the question - That the Address in Reply, as read, be adopted - (February 15, 16, 28, 29, March 1) - (Minister for Agriculture, Food and Fisheries).
- †*2. Criminal Law (Sentencing) (Sentencing Considerations) Amendment Bill (No. 8): in Committee.
- †*3. Statutes Amendment (Criminal Intelligence) Bill (No. 9): in Committee.
- †*4. Statutes Amendment (Community and Strata Titles) Bill (No. 10): adjourned debate on second reading - (February 28, 29) - (The Hon. C. Zollo).
- †*5. Work Health and Safety Bill (No. 13): adjourned debate on second reading - (February 16, March 1) - (The Hon. C. Zollo).
- †*6. Tobacco Products Regulation (Further Restrictions) Amendment Bill (No. 14): in Committee.
- †*7. Water Industry Bill (No. 16): in Committee - clause 35 - (February 28, 29).
- †*8. Native Vegetation (Miscellaneous) Amendment Bill (No. 17): second reading.
9. Livestock (Miscellaneous) Amendment Bill (No. 19): in Committee.
10. Aquaculture (Miscellaneous) Amendment Bill (No. 20): adjourned debate on second reading - (February 15) - (The Hon. D. W. Ridgway).
- *11. Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Bill (No. 23): adjourned debate on second reading - (February 15) - (The Hon. D. W. Ridgway).
- †*12. Summary Offences (Weapons) Amendment Bill (No. 11): consideration in Committee of Message No. 7 from the House of Assembly.
- *13. Statutes Amendment (Serious and Organised Crime) Bill (No. 26): adjourned debate on second reading - (March 1) - (The Hon. D. W. Ridgway).
- *14. Serious and Organised Crime (Control) (Miscellaneous) Amendment Bill (No. 27): second reading.

WEDNESDAY 14 MARCH 2012

Notices of Motion: Private Business -

1. The Hon. J.M.A. Lensink to move - That this Council condemns the State Government for its 10 years of failure to stem the extraordinary flow of young people leaving South Australia for study, career and lifestyle opportunities interstate.

†Restored to the Notice Paper pursuant to section 57 of the Constitution Act 1934.

*Received from House of Assembly.

2. The Hon. G. A. Kandelaars to move - That the Regulations under the National Parks and Wildlife Act 1972 concerning Flinders Ranges National Park, made on 3 November 2011 and laid on the Table of this Council on 8 November 2011, be disallowed.
3. The Hon. M. C. Parnell to move - That this Council, pursuant to section 16(1)(a) of the Parliamentary Committees Act 1991, refers the following matters to the Environment, Resources and Development Committee for inquiry and report -
 - I. The processes followed by the Department of Planning and Local Government and the Minister for Urban Development and Planning in relation to development at Mount Barker and surrounding areas including -
 - (a) the Planning Strategy for the Outer Metropolitan Adelaide Region published in August 2006;
 - (b) the 2010 Planning Strategy (incorporating the 30 Year Plan for Greater Adelaide); and
 - (c) the Ministerial Mount Barker Urban Growth Development Plan Amendment, approved by the Minister on 16 December 2010.
 - II. Whether any issues of conflict of interest involving the Minister, the Department, landowners, property developers, planning consultants or any other parties were identified in relation to future urban development at Mount Barker and surrounding areas and, if so, how such conflicts were avoided, minimised or managed;
 - III. The adequacy of infrastructure planning and funding to support urban expansion at Mount Barker and surrounding areas; and
 - IV. Any other matters the Committee considers relevant.

Orders of the Day: Private Business -

- †*1. Criminal Law Consolidation (Looting) Amendment Bill (No. 24): second reading³.
2. The Hon. S. G. Wade to move - That the Regulations made under the Electoral Act 1985 concerning Registration of Political Parties, made on 29 September 2011 and laid on the Table of this Council on 18 October 2011, be disallowed.
3. The Hon. R. L. Brokenshire to move - That he have leave to introduce a Bill for an Act to amend the Forestry Act 1950.
4. Adjourned debate on motion of the Hon. S. G. Wade - That this Council -
 - I. Considers that the legal system has failed to effectively deal with the conduct of Mr. Eugene McGee in relation to the death of Mr. Ian Humphrey on 30 November 2003 and that public confidence in the legal system has suffered as a result.
 - II. Calls on the Attorney-General to exercise his powers under the Legal Practitioners Act 1981 to refer Mr. McGee to the Legal Practitioners Disciplinary Tribunal to consider whether his behaviour constitutes unprofessional or unsatisfactory conduct - (February 29) - (The Hon. G. A. Kandelaars).
5. Adjourned debate on motion of the Hon. M. C. Parnell - That this Council -
 - I. Notes the admission from the Minister for Planning that the Government erred in fast tracking the Ministerial Mount Barker Urban Growth Development Plan Amendment ahead of appropriate community and infrastructure provision; and
 - II. Calls on the Minister to -
 - (a) Immediately suspend the operation of the Mount Barker Urban Growth Development Plan Amendment and reinstate the zoning that existed prior to 16 December 2010 when the DPA was approved; and
 - (b) Prepare a new plan for development of Mount Barker and Nairne that respects the wishes of the people of the District and the District Council of Mount Barker - (February 29) - (The Hon. G. A. Kandelaars).

†Restored to the Notice Paper pursuant to section 57 of the Constitution Act 1934.

*Received from House of Assembly.

6. Adjourned debate on motion of the Hon. M. C. Parnell - That this Council -
 - I. Notes that in 2011 the Legislative Council passed amendments to the Electricity Act 1996 that restricted the ability of household and small generators to generate revenue from the SA Solar feed-in scheme by restricting payments to the first 45 kWh of electricity fed into the network each day;
 - II. Condemns the attempt by ETSA Utilities to retrospectively reduce the number of participants in the SA Solar Feed-in Scheme through the use of new, additional guidelines developed and made known to participants in the solar feed-in scheme only after participants had already made significant investments in solar energy infrastructure; and
 - III. Calls on the Government to ensure that the additional guidelines developed by ETSA Utilities (namely a restriction on households with greater than 3.04 kW Systems installed on meters that record less than 400 kWh of electricity per year) is no longer used to limit the eligibility of households and small generators to participate in the Scheme - (February 29) - (The Hon. J. M. Gazzola).
7. Adjourned debate on motion of the Hon. G. A. Kandelaars - That the Report, 2010-2011, of the Natural Resources Committee on Upper South East Dryland Salinity and Flood Management Act 2002, be noted - (February 29) - (The Hon. J. M. Gazzola).
8. Adjourned debate on motion of the Hon. J.S.L. Dawkins - That this Council congratulates HURIDOSS (Human Rights Development Organisation South Sudan), Australian Chapter, on its launch and wishes it success in promoting awareness and protection of human rights in the Republic of South Sudan through community education, advocacy, research and consultation in order to advance important policy and legislative reforms in this new nation - (February 29) - (The Hon. J. M. Gazzola).
9. Assisted Reproductive Treatment (Equality of Access) Amendment Bill (No. 1): adjourned debate on second reading - (February 15) - (The Hon. S. G. Wade)¹.
- †10. Children's Protection (Lawful Surrender of Newborn Child) Amendment Bill (No. 2): in Committee².
- †11. Independent Commission Against Corruption Bill (No. 3): in Committee³.
12. Subordinate Legislation (Miscellaneous) Amendment Bill (No. 4): adjourned debate on second reading - (February 15) - (The Hon. J. M. Gazzola)³.
13. Summary Offences (Use of Public Address Systems) Amendment Bill (No. 5): adjourned debate on second reading - (February 15) - (The Hon. J. M. Gazzola)³.
14. Adjourned debate on motion of the Hon. S. G. Wade - That the Legislative Review Committee inquire into and report on processes for consideration by the Parliament of schemes of inter-jurisdictional legislation and that a Message be sent to the House of Assembly requesting its concurrence thereto - (February 15) - (The Hon. J. M. Gazzola).
15. Adjourned debate on motion of the Hon. J.M.A. Lensink - That the Regulations under the Development Act 1993, concerning Regulated Trees, made on 17 November 2011 and laid on the Table of this Council on 22 November 2011, be disallowed - (February 15) - (The Hon. J. M. Gazzola).
16. The Hon. D. W. Ridgway to move - That this Council calls on the Government to develop an Abundant Native Species Management Plan, noting the effects of the rapidly increasing numbers of the New Zealand Fur Seals on the South Australian marine life and the environment.
17. Adjourned debate on motion of the Hon. D. W. Ridgway -
 - I. That a Select Committee of the Legislative Council be established to investigate wind farm developments in South Australia, with the following terms of reference:
 - (a) Separation distances between wind turbines and residences or communities;

†Restored to the Notice Paper pursuant to section 57 of the Constitution Act 1934.

- (b) The social, health and economic impacts of wind generators on individual landholders, communities and the State;
 - (c) The need for a peer-reviewed, independent academic study on the social, health and economic impacts of wind generators;
 - (d) The capacity of existing infrastructure to cope with increased wind power;
 - (e) The cost of wind power in South Australia;
 - (f) The environmental impacts of wind generators;
 - (g) The siting of wind generators in South Australia;
 - (h) The approval process of wind farms in South Australia;
 - (i) The preparation of the Statewide Wind Farm DPA; and
 - (j) Any other matter the Committee deems relevant.
- II. That Standing Order No. 389 be so far suspended as to enable the Chairperson of the Committee to have a deliberative vote only.
 - III. That this Council permits the Select Committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the Committee prior to such evidence being presented to the Council.
 - IV. That Standing Order No. 396 be suspended to enable strangers to be admitted when the Select Committee is examining witnesses unless the Committee otherwise resolves, but they shall be excluded when the Committee is deliberating - (February 15) - (The Hon. J. M. Gazzola).
- 18. Criminal Law (Sentencing) (Abolition of Suspended Sentences for Subsequent Serious Offences) Amendment Bill (No. 25): adjourned debate on second reading - (February 29) - (The Hon. J. M. Gazzola)⁶.
 - 19. South Australian Housing Trust (Miscellaneous) Amendment Bill (No. 6): adjourned debate on second reading - (February 15) - (The Hon. B. V. Finnigan)⁴.
 - 20. Adjourned debate on motion of the Hon. J.S.L. Dawkins - That this Council -
 - I. Notes that 2012 is the Australian Year of the Farmer; and
 - II. Acknowledges the contribution that farmers and all others involved in primary production make to both feeding our nation, and to sustain Australia's economy - (February 15) - (The Hon. G. A. Kandelaars).
 - 21. Marriage Equality Bill (No. 7): second reading⁵.

WEDNESDAY 18 JULY 2012

Orders of the Day: Private Business -

- 1. Select Committee on Disability Services Funding: Report to be brought up.
- 2. Select Committee on Lonsdale-based Adelaide Desalination Plant: Report to be brought up.
- 3. Select Committee on Department for Correctional Services: Report to be brought up.
- 4. Select Committee on Harvesting Rights in Forestry SA Plantation Estates: Report to be brought up.
- 5. Select Committee on Marine Parks in South Australia: Report to be brought up.
- 6. Select Committee on The Inquiry into Corporation of the City of Burnside: Report to be brought up.

7. Select Committee on Access to and Interaction with the South Australian Justice System for People with Disabilities: Report to be brought up.
 8. Select Committee on School Bus Contracts: Report to be brought up.
 9. Select Committee on Land Uses on LeFevre Peninsula: Report to be brought up.
 10. Budget and Finance Committee: Report to be brought up.
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Contingent Notice of Motion -

1. Contingently, on the second reading of any Bill being moved, or on any Bill being reported, the Minister for Agriculture, Food and Fisheries to move - That the Standing Orders be so far suspended as to enable the Bill to pass through the remaining stages without delay.

J. M. DAVIS,
Clerk of the Legislative Council.

Member in charge of Bill -

¹Hon. I. K. Hunter

²Hon. A. M. Bressington

³Hon. S. G. Wade

⁴Hon. R. L. Brokenshire

⁵Hon. T. A. Franks

⁶Hon. D.G.E. Hood