1. Council met pursuant to adjournment. The President (The Hon. R. K. Sneath) took the Chair. The President read prayers.

2. The Minister for Agriculture, Food and Fisheries (The Hon. G. E. Gago), by leave, without notice, moved - That the sitting of the Council be not suspended during the continuation of the Conference on the Summary Offences (Weapons) Amendment Bill. Question put and passed.

3. The Minister for Agriculture, Food and Fisheries, by leave, without notice, moved - That the sitting of the Council be not suspended during the continuation of the Conference on the Correctional Services (Miscellaneous) Amendment Bill. Question put and passed.


5. The following Papers were laid upon the Table, viz.: By the Minister for Industrial Relations (The Hon. R. P. Wortley) - Reports, 2010-2011 - Lower North Health Advisory Council Inc. Penola and Districts Health Advisory Council Inc. Review of Country Health Advisory Councils’ Governance Arrangements - Report of Health Performance Council. By the Minister for Communities and Social Inclusion (The Hon. I. K. Hunter) - Child Death and Serious Injury Review Committee Report, 2010-2011, Errata.

6. The Minister for Agriculture, Food and Fisheries tabled a copy of a Ministerial Statement made by the Premier (The Hon. J. W. Weatherill, M.P.) concerning the Urban Renewal Authority.

7. The Minister for Communities and Social Inclusion, by leave, tabled a copy of a Ministerial Statement made by the Minister for Environment and Conservation (The Hon. P. Caica, M.P.) concerning Mr. Warren Bonython.

8. In accordance with Standing Orders, the President called on Members to make Statements on Matters of Interest.

10. The Hon. K. L. Vincent, pursuant to notice, moved - That she have leave to introduce a Bill for an Act to amend the Disability Services Act 1993. Question put and passed. Bill introduced and read a first time. The Hon. K. L. Vincent then moved - That the Bill be now read a second time. On motion of the Hon. G. A. Kandelaars, the debate was adjourned until Wednesday, 2 May 2012.

11. Ordered - That Notice of Motion (Private Business) No. 3 be an Order of the Day for Wednesday, 2 May 2012.

12. The Hon. T. A. Franks, pursuant to notice, moved - That she have leave to introduce a Bill for an Act to amend the Food Act 2001. Question put and passed. Bill introduced and read a first time. The Hon. T. A. Franks then moved - That the Bill be now read a second time. On motion of the Hon. J. S. Lee, the debate was adjourned until Wednesday, 2 May 2012.

13. At three minutes past six o'clock the sitting was suspended until the ringing of the bells. At fifteen minutes to eight o'clock the sitting was resumed.

14. The Hon. T. A. Franks, pursuant to notice, moved - That this Council - I. Commends the endeavours of Capril in raising awareness of depression through their campaign encouraging members of the community to wear a cape in the month of April as a sign of “cape-ability”; and II. Notes the funds raised will go to “Beyond Blue’s” national depression initiative. On motion of the Hon. G. A. Kandelaars, the debate was adjourned until Wednesday, 2 May 2012.

15. Ordered - That Orders of the Day (Private Business) No. 1 to No. 3 be Orders of the Day for Wednesday, 2 May 2012.

16. The Hon. A. M. Bressington, pursuant to notice, moved - That she have leave to introduce a Bill for an Act to amend the Criminal Law Sentencing Act 1988. Question put and passed. Bill introduced and read a first time. The Hon. A. M. Bressington then moved - That the Bill be now read a second time. On motion of the Hon. S. G. Wade, the debate was adjourned until Wednesday, 2 May 2012.

17. Ordered - That Orders of the Day (Private Business) No. 5 to No. 16 be postponed and taken into consideration after Order of the Day (Private Business) No. 17.

18. On the Order of the Day being read for the adjourned debate on the 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: Debate resumed. Question - That the motion be agreed to - put and passed.
19. The Hon. A. M. Bressington, pursuant to notice, moved - That she have leave to introduce a Bill for an Act to amend the Children’s Protection Act 1993.

Question put and passed.

Bill introduced and read a first time.

The Hon. A. M. Bressington then moved - That the Bill be now read a second time.

On motion of the Hon. G. A. Kandelaars, the debate was adjourned until Wednesday, 2 May 2012.


21. The Hon. T. A. Franks, pursuant to notice, moved - That she have leave to introduce a Bill for an Act to amend the Workers Rehabilitation and Compensation Act 1986.

Question put and passed.

Bill introduced and read a first time.

The Hon. T. A. Franks then moved - That the Bill be now read a second time.

On motion of the Hon. J. M. Gazzola, the debate was adjourned until Wednesday, 2 May 2012.


23. On the Order of the Day being read for the adjourned debate on the motion of the Hon. M. C. Parnell - 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:

Debate resumed.

The Hon. T. A. Franks moved to amend the motion by leaving out all words in the first three lines and inserting the following:

“I. That a Select Committee of the Legislative Council be appointed to inquire and report upon .”

Renumber existing Paragraphs I, II, III and IV to (a), (b), (c) and (d), and renumber existing subparagraphs (a), (b) and (c) to (i), (ii) and (iii).

Insert the following paragraphs -

“II. 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 authorize 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. 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.”
Postponement of Business.

Question - That the amendments moved by the Hon. T. A. Franks be agreed to - put and negatived.
Question - That the motion moved by the Hon. M. C. Parnell be agreed to - put and negatived.


26. On the Order of the Day being read for the adjourned debate on the question - That the Criminal Law Consolidation (Looting) Amendment 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. 5 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.

27. On the Order of the Day being read for the adjourned debate on the motion of the Hon. S. G. Wade - 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:
   Debate resumed.
   On motion of the Hon. J. M. Gazzola, the debate was adjourned until Wednesday, 2 May 2012.

28. On the Order of the Day being read for the adjourned debate on the question - That the Forestry (Miscellaneous) Amendment Bill be now read a second time:
   Debate resumed.
   The Hon. D. W. Ridgway moved to leave out all words after “That” and insert “the Bill be withdrawn and referred to the Select Committee on Harvesting Rights in Forestry SA Plantation Estates.”
   Question - That the words proposed to be struck out stand as printed - put and negatived.
   Question - That the words proposed to be inserted, be so inserted - put and passed.
   Ordered - That the Order of the Day be discharged.

29. Ordered - separately - That Orders of the Day (Private Business) No. 16 and No. 18 to No. 28 be Orders of the Day for Wednesday, 2 May 2012.
30. The following Messages from the House of Assembly were received and read:

MR. PRESIDENT - The House of Assembly has disagreed to the amendments made by the Legislative Council in the Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Bill as indicated in the annexed Schedule. The House of Assembly returns the Bill herewith and desires its reconsideration.

House of Assembly, 3 April 2012.

L. R. BREUER, Speaker.

Schedule of the Amendments made by the Legislative Council to which the House of Assembly has disagreed

**Amendment No. 1**
Clause 4, page 3, lines 11 to 13—Delete clause 4

**Amendment No. 2**
Clause 5, page 3, lines 15 to 17 [clause 5(1)]—Delete subclause (1)

**Amendment No. 3**
Clause 5, page 3, lines 19 to 28 [clause 5(3), (4) and (5)]—Delete subclauses (3), (4) and (5)

**Amendment No. 4**
Clause 5, page 4, lines 1 to 10 [clause 5(7)]—Delete subclause (7)

**Amendment No. 5**
Clause 7, page 4, lines 21 to 40 and page 5, lines 1 to 28—Delete clause 7

**Amendment No. 6**
Clause 8, page 5, lines 29 to 31—Delete clause 8

**Amendment No. 7**
Clause 9, page 5, lines 32 to 38—Delete clause 9

**Amendment No. 8**
Clause 10, page 6, lines 1 to 25 [clause 10(1)]—Delete subclause (1)

**Amendment No. 9**
Clause 12, page 6, lines 38 to 41 and page 7, lines 1 to 7 [clause 12(1)]—Delete subclause (1)

**Amendment No. 10**
Clause 14, page 7, lines 13 to 15—Delete clause 14

**Amendment No. 11**
Clause 15, page 7, lines 16 to 25—Delete clause 15

**Amendment No. 12**
Clause 16, page 7, lines 26 to 31—Delete clause 16

**Amendment No. 13**
Clause 17, page 8, lines 1 to 41—Delete clause 17

**Amendment No. 14**
Clause 18, page 9, line 5 [clause 18, inserted section 62A]—Delete "Subject to section 59A but despite" and substitute: Despite

**Amendment No. 15**
Clause 21, page 10, lines 6 to 11 [clause 21(3), inserted subparagraph (ia)]—Delete inserted subparagraph (ia)

**Amendment No. 16**
Clause 22, page 10, lines 17 to 38 and page 11, lines 1 to 6 [clause 22, inserted section 76A]—Delete inserted section 76A
Amendment No. 17–
Clause 22, page 11, line 9 [clause 22, inserted section 76B]—
Delete "but subject to section 76A"

Amendment No. 18–
Clause 33, page 14, lines 1 to 18—
Delete clause 33

Amendment No. 19–
Clause 34, page 14, lines 19 to 21—
Delete clause 34

Amendment No. 20–
Clause 35, page 14, lines 22 to 24—
Delete clause 35

Amendment No. 21–
Clause 36, page 14, lines 25 to 38 and page 15, lines 1 to 22—
Delete clause 36

Amendment No. 22–
Clause 38, page 16, lines 9 to 24 [clause 38, inserted section 224A]—
Delete inserted section 224A

M. LEHMAN, Clerk of the House of Assembly.

Ordered - That the Message be taken into consideration on next day of sitting.

Message No. 31

MR. PRESIDENT - The House of Assembly has agreed to the amendments made by the Legislative Council in the Statutes Amendment (Community and Strata Titles) Bill, without amendment.

House of Assembly, 3 April 2012.

L. R. BREUER, Speaker.

Message No. 32

MR. PRESIDENT - The House of Assembly has passed the Bill transmitted herewith entitled an Act to amend the Mental Health Act 2009, to which it desires the concurrence of the Legislative Council.

House of Assembly, 3 April 2012.

L. R. BREUER, Speaker.

Bill read a first time.

The Minister for Communities and Social Inclusion then moved - That this Bill be now read a second time.

On motion of the Hon. J.S.L. Dawkins, the debate was adjourned until next day of sitting.

31. Ordered - That Orders of the Day (Government Business) No. 1 to No. 10 be Orders of the Day for next day of sitting.

32. The Minister for Agriculture, Food and Fisheries, according to order, moved - That the Mining (Exploration Authorities) Amendment Bill be now read a second time.

On motion of the Hon. D. W. Ridgway, the debate was adjourned until next day of sitting.

33. The Minister for Communities and Social Inclusion, according to order, moved - That the Rail Safety National Law (South Australia) Bill be now read a second time.

On motion of the Hon. D. W. Ridgway, the debate was adjourned until next day of sitting.

34. Ordered - That the Council, at its rising, do adjourn until tomorrow at eleven o’clock a.m.

35. Council adjourned at two minutes past ten o’clock until tomorrow at eleven o’clock a.m.
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<td>The Hon. C. Zollo</td>
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NOTICES AND ORDERS OF THE DAY

THURSDAY 5 APRIL 2012

Council meets at 11 a.m.

Orders of the Day: Government Business -

†*1. Work Health and Safety Bill (No. 13): adjourned debate on second reading - (February 16, March 1, April 3) - (The Hon. J. M. Gazzola).


3. Aquaculture (Miscellaneous) Amendment Bill (No. 20): adjourned debate on second reading - (February 15, March 15) - (The Hon. J. M. Gazzola).

*4. Statutes Amendment (Serious and Organised Crime) Bill (No. 26): in Committee - clause 1 - (April 3).


*7. Graffiti Control (Miscellaneous) Amendment Bill (No. 34): adjourned debate on second reading - (March 27, April 3) - (The Hon. J. M. Gazzola).


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

*Received from House of Assembly.
Notice of Motion: Private Business -

1. The Hon. K. L. Vincent to move - That she have leave to introduce a Bill for an Act to provide for the protection of persons with a disability; and for other purposes.

Orders of the Day: Private Business -


2. The Hon. J.M.A. Lensink to move - That she has leave to introduce a Bill for an Act to amend the Crown Land Management Act 2009.

3. Food (Labelling of Free-range Eggs) Amendment Bill (No. 41): adjourned debate on second reading - (April 4) - (The Hon. J. S. Lee)9.

4. Adjourned debate on motion of the Hon. T. A. Franks - That this Council -
   I. Commends the endeavours of Capril in raising awareness of depression through their campaign encouraging members of the community to wear a cape in the month of April as a sign of “cape-ability” and
   II. Notes the funds raised will go to “Beyond Blue’s” national depression initiative - (April 4) - (The Hon. G. A. Kandelaars).

5. Adjourned debate on motion of the Hon. T. A. Franks - That this Council -
   I. Acknowledges that previous Parliaments and Governments share responsibility for the application of some of the policies and processes that impacted upon unmarried mothers of adopted children, and now apologises to the mothers, their children and the families who were adversely affected by these past adoption practices and expresses its sympathy to those individuals whose interests were poorly served by the policy of those times.
   II. Calls on the Premier to move a formal statement of apology in the Parliament in relation to -
       (a) past adoption practices for which it is now recognised that, for a significant part of the 20th Century, the legal, health and welfare systems and processes then operating in South Australia meant that many pregnant unmarried women were not given the appropriate care and respect that they needed and were sometimes coerced to give up children for adoption; and
       (b) processes, such as the immediate removal of the baby following birth preventing bonding with the mother, which are recognised, in many cases, to have caused long-term anguish and suffering for the people affected - (March 28) - (The Hon. G. A. Kandelaars).


7. Adjourned debate on motion of the Hon. D. W. Ridgway - That the Legislative Council, pursuant to section 14 of the Ombudsman Act 1972 -
   I. Refers to the Ombudsman, for investigation and report, compliance of the following processes in relation to administrative acts, relevant laws and policies -
       (a) the tender process for the preparation of the Growth Investigation Areas Report.
       (b) the probity investigation undertaken by the State Procurement Board in relation to the decision awarding a contract to Connor Holmes for the preparation of the Growth Investigation Areas Report, including the findings and advice arising from that probity investigation.
   II. Resolves that the administrative acts warrant investigation by the Ombudsman, despite any availability of a right of appeal, reference, review or remedy, or the passage of time referred to under section 14(3) of the Ombudsman Act - (March 28) - (The Hon. J. M. Gazzola).
8. Criminal Law (Sentencing) (Mandatory Imprisonment of Child Sex Offenders) Amendment Bill (No. 42): adjourned debate on second reading - (April 4) - (The Hon. S. G. Wade)².


10. The Hon. A. M. Bressington to move - That the Legislative Council acknowledges -
   I. That wrongful convictions occur and some are uncorrected by the appellate courts;
   II. The accomplishments of the Innocence Project in the United States of America, and of its affiliated organisations worldwide; and
   III. The efforts of Australian affiliated innocence projects in raising awareness of wrongful convictions and advocating for those innocents wrongly convicted.

11. Adjourned debate on motion of the Hon. J.M.A. Lensink - That this Council -
   I. Calls on the Pastoral Board to re-form the Rent Review Committee over its decision to increase pastoral rents by up to 230%;
   II. Condemns the Weatherill Labor Government for once again failing to consult with those affected; and
   III. Notes the important contribution of South Australia’s pastoral sector to primary production - (March 28) - (The Hon. J. M. Gazzola).

12. Workers Rehabilitation and Compensation (Retirement Age) Amendment Bill (No. 44): adjourned debate on second reading - (April 4) - (The Hon. J. M. Gazzola)⁵.

13. Adjourned debate on motion of the Hon. J.M.A. Lensink - 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 - (March 28) - (The Hon. J. M. Gazzola).

14. Right to Farm Bill (No. 29): adjourned debate on second reading - (March 14, 28) - (The Hon. G. A. Kandelaars)³.

15. Adjourned debate on motion of the Hon. S. G. Wade - 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 - (March 14, April 4) - (The Hon. J. M. Gazzola).

16. 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).

17. Assisted Reproductive Treatment (Equality of Access) Amendment Bill (No. 1): adjourned debate on second reading - (February 15) - (The Hon. S. G. Wade)¹.

†18. Children’s Protection (Lawful Surrender of Newborn Child) Amendment Bill (No. 2): in Committee².

†19. Independent Commission Against Corruption Bill (No. 3): in Committee³.

20. Subordinate Legislation (Miscellaneous) Amendment Bill (No. 4): adjourned debate on second reading - (February 15) - (The Hon. J. M. Gazzola)³.

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

22. 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).


24. 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.


26. South Australian Housing Trust (Miscellaneous) Amendment Bill (No. 6): adjourned debate on second reading - (February 15) - (The Hon. B. V. Finnigan)⁴.

27. Marriage Equality Bill (No. 7): adjourned debate on second reading - (March 28) - (The Hon. C. Zollo)⁵.

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WEDNESDAY 16 MAY 2012

Notice of Motion: Private Business -

1. The Hon. T. J. Stephens to move - That this Council -
   I. Recognises -
   (a) That Adelaide United Football Club represents Adelaide and South Australia in a national sporting competition;
   (b) That Adelaide United Football Club represents Adelaide and South Australia in an international sporting competition outside of our national league;
   (c) The social, health and economic benefits that Adelaide United Football Club contribute to our State; and
   II. Condemns the State Labor Government for its current lack of support for Adelaide United Football Club.

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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.

11. Select Committee on Wind Farm Developments in South Australia: Report to be brought up.

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 -
1 Hon. I. K. Hunter
2 Hon. A. M. Bressington
3 Hon. S. G. Wade
4 Hon. R. L. Brokenshire
5 Hon. T. A. Franks
6 Hon. D. E. Hood
7 Hon. K. L. Vincent