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

2. A Messenger from the Governor having been announced by Black Rod, the following Message was received and read:

   The Governor informs the Legislative Council that, in the name and on behalf of Her Majesty The Queen, the following Acts have been assented to during the First Session of the 52nd Parliament, viz.:
   No. 20 of 2010 - An Act for the appropriation of money from the Consolidated Account for the year ending on 30 June 2011 and for other purposes.
   No. 21 of 2010 - An Act to amend the Mining Act 1971 and to make a related amendment to the Petroleum and Geothermal Energy Act 2000.


   KEVIN SCARCE, Governor.

3. The following Papers were laid upon the Table, viz.:

   By the President -
   District Council Reports, 2009-2010 -
   Berri-Barmera.
   Karoonda East Murray.
   Murray Bridge.
   Robe.
   Tumby Bay.
   Victor Harbor.
   Wattle Range.
   Yorke Peninsula.

   By the Minister for Mineral Resources Development (The Hon. P. Holloway) -
   Reports, 2009-2010 -
   Adelaide Convention Centre.
   Adelaide Festival Corporation.
Adelaide Film Festival.
Advisory Board of Agriculture.
ANZAC Day Commemoration Council.
Defence SA.
Department for Correctional Services.
Department of Treasury and Finance.
Disability Information and Resource Centre (DIRC).
Distribution Lessor Corporation.
Essential Services Commission of South Australia.
Generation Lessor Corporation.
Legal Practitioners Conduct Board.
Motor Accident Commission.
Parliamentary Superannuation Board - South Australian Parliamentary Superannuation Scheme.
Police Superannuation Board.
Premier’s Climate Change Council.
RESI Corporation.
South Australian Alpaca Advisory Group.
South Australian Asset Management Corporation.
South Australian Cattle Advisory Group.
South Australian Deer Advisory Group.
South Australian Goat Industry Advisory Group.
South Australian Government Financing Authority.
South Australian Horse Industry Advisory Group.
South Australian Metropolitan Fire Service Superannuation Scheme.
South Australian Motor Sport Board.
South Australian Pig Industry Advisory Council.
South Australian Sheep Advisory Council.
South Australian Superannuation Board.
State Procurement Board.
Superannuation Funds Management Corporation of South Australia (Funds SA).
Transmission Lessor Corporation.

Regulations under the following Acts -
- Superannuation Act 1988 - Allowances.

Rules of Court -

By the Minister for Urban Development and Planning (The Hon. P. Holloway) -

Regulations under the following Act -
- Architectural Practice Act 2009 - General.

By the Minister for State/Local Government Relations (The Hon. G. E. Gago) -

Reports, 2009-2010 -
- Animal Welfare Advisory Committee.
- Board of the Botanic Gardens and State Herbarium.
- Children, Youth and Women’s Health Service.
- Department for Environment and Heritage.
- Eudunda Kapunda Health Advisory Council Inc.
- General Reserves Trust.
- Marine Parks Council of South Australia.
- Office for the Ageing.
- South Australian Heritage Council.
- South Australian National Parks and Wildlife Council.
- Southern Adelaide Health Service.
- State Opera of South Australia.

Wilderness Advisory Committee Incorporation, the Wilderness Protection Act 1992.

Regulations under the following Acts -
- Health Care Act 2008 - Confidentiality.
- Service Rates and Charges.

South Australian Water Industry Bill 2010 - Draft, 18 November 2010.
By the Minister for Consumer Affairs (The Hon. G. E. Gago) -
Regulations under the following Act -

   Ordered - That the Report be printed. (Paper No. 207)

5. The Minister for State/Local Government Relations, by leave, tabled a copy of a Ministerial Statement made by the Minister for Health (The Hon. J. D. Hill, M.P.) concerning Voluntary Euthanasia, together with advice from the Department of Health and a copy of the draft Criminal Law Consolidation (Voluntary Euthanasia) Amendment Bill.

6. The Minister for State/Local Government Relations, by leave, tabled a copy of a Ministerial Statement made by the Minister for Environment and Conservation (The Hon. P. Caica, M.P.) concerning a Draft Water Industry Bill.

7. The Hon. S. G. Wade, while addressing a question to the Minister for State/Local Government Relations, by leave, tabled a copy of a letter addressed to the Minister for State/Local Government Relations, dated 11 November 2010, signed by Wendy Greiner, former Mayor of Burnside City Council.

8. The Minister for State/Local Government Relations, pursuant to notice, moved - That this Council requests His Excellency the Governor to make a proclamation under section 34A(2) of the National Parks and Wildlife Act 1972 excluding the following land from the Innamincka Regional Reserve:
   - Sections 791, 1081-1084, Out of Hundreds (Innamincka);
   - Allotments 41, 44, 48, 63-72, 77-82, 84-100, 115-118, 127-132, 135, 136, 151-164, 168-175, 179-186, 188-194, 196, 198-201, Township of Innamincka, Out of Hundreds (Innamincka);
   - Allotments 51 and 52, Deposited Plan 84007, Out of Hundreds (Innamincka);
   - Allotment 54, Deposited Plan 84009, Out of Hundreds (Innamincka).
   
   And the Hon. M. C. Parnell having obtained leave to conclude his remarks, the debate was adjourned and ordered to be resumed on motion.

9. On the Order of the Day being read for the adjourned debate on the motion of the Minister for Mineral Resources Development - That, during the present Session and unless otherwise ordered, if the Council has not adjourned at 10.00 p.m. on Tuesdays and Wednesdays, a Minister shall move the motion “That the Council do now adjourn”.
   
   To which the Hon. M. C. Parnell had moved to amend by inserting the following words at the end of the motion: “If the Council is adjourned on a Wednesday before Private Members’ Business is concluded, any outstanding Private Members’ Business shall take precedence over Government Business on a Thursday.”.
   
   Ordered - That the Order of the Day be discharged.

10. Ordered - That Orders of the Day (Government Business) No. 2 and No. 3 be Orders of the Day for next day of sitting.


12. The Council, according to order, resolved itself into a Committee of the Whole for the consideration of the Marine Parks (Parliamentary Scrutiny) Amendment Bill.
    
    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. 2 agreed to.
Clause No. 3 read.

The Hon. J.M.A. Lensink moved on page 2, lines 11 to 13, to leave out lines 11 to 13 and insert the following: “Section 14(9)—delete subsection (9)”.
Question - That the amendment be agreed to - put.
Committee divided:

Ayes, 9
The Hon. A. M. Bressington
The Hon. R. L. Brokenshire
The Hon. J. S. L. Dawkins
The Hon. D. G. E. Hood
The Hon. J. S. Lee
The Hon. D. W. Ridgway
The Hon. T. J. Stephens
The Hon. S. G. Wade
The Hon. J. M. A. Lensink (Teller)

Noes, 10
The Hon. J. A. Darley
The Hon. B. V. Finnigan
The Hon. T. A. Franks
The Hon. J. M. Gazzola
The Hon. K. L. Vincent
The Hon. R. P. Wortley
The Hon. C. Zollo
The Hon. G. E. Gago (Teller)

So it passed in the negative.
Clause No. 3 agreed to.
Clause No. 4 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 State/Local Government 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.


14. On the Order of the Day being read for the adjourned debate on the question - That the Road Traffic (Use of Test and Analysis Results) Amendment Bill be now read a second time:
Debate resumed.
On motion of The Hon. J. M. Gazzola, the debate was adjourned until next day of sitting.

15. Ordered - That Orders of the Day (Government Business) No. 4 and No. 7 to No. 10 be postponed and taken into consideration after Order of the Day (Government Business) No. 11.

16. On the Order of the Day being read for the adjourned debate on the question - That the Statutes Amendment (Criminal Intelligence) Bill be now read a second time:
Debate resumed.
On motion of the Hon. J. M. Gazzola, the debate was adjourned and ordered to be resumed on motion.

17. Ordered - That Order of the Day (Government Business) No. 4 be postponed and taken into consideration on motion.

18. Ordered - That Orders of the Day (Government Business) No. 7 to No. 12 be Orders of the Day for next day of sitting.

19. The following Messages from the House of Assembly were received and read:

Message No. 51

MR. PRESIDENT - The House of Assembly has passed the Bill transmitted herewith entitled an Act to amend the Prince Alfred College Incorporation Act 1878, to which it desires the concurrence of the Legislative Council.

House of Assembly, 23 November 2010.
L. R. BREUER, Speaker.

The Minister for State/Local Government Relations then moved - That the 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.
MR. PRESIDENT - The House of Assembly has passed the Bill transmitted herewith entitled an Act to amend the Recreation Grounds (Regulations) Act 1931, to which it desires the concurrence of the Legislative Council.

House of Assembly, 23 November 2010.

L. R. BREUER, Speaker.

The Minister for Mineral Resources Development then moved - That the Bill be now read a second time.

On motion of the Hon. T. J. Stephens, the debate was adjourned until next day of sitting.

20. On the Order of the Day being read for the Council to resolve itself into a Committee of the Whole for the consideration of the Gaming Machines (Miscellaneous) Amendment Bill:

The Hon. J. A. Darley, pursuant to contingent notice, moved - That it be an Instruction to the Committee of the Whole Council on the Bill that it have power to consider new clauses in relation to the prohibition of replica gaming machines and the prohibition of gaming machine precursors in licensed premises and to amend the Long Title.

Question put and passed.

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. 3 agreed to.

The Hon. J. A. Darley moved on page 4, after line 7, to insert new clause 3A as follows:

“3A—Amendment of long title

Long title—after “gaming machines” insert:

; to protect children against conditioning for playing gaming machines”.

Question - That new clause 3A, as proposed to be inserted, be so inserted - put and negatived.

Clause No. 4 read.

The Hon. R. I. Lucas moved on page 4, after line 23, to insert the following.

“(5a) Section 3(1), definition of gaming machine—delete “a coin” and substitute: money”.

Question - That new paragraph (5a), as proposed to be inserted, be so inserted - put.

Committee divided:

Ayes, 7

The Hon. J.S.L. Dawkins
The Hon. J. S. Lee
The Hon. J.M.A. Lensink
The Hon. D. W. Ridgway
The Hon. T. J. Stephens
The Hon. S. G. Wade
The Hon. R. I. Lucas (Teller)

Noes, 14

The Hon. A. M. Bressington
The Hon. R. L. Brokenshire
The Hon. J. A. Darley
The Hon. B. V. Finnigan
The Hon. T. A. Franks
The Hon. G. E. Gago
The Hon. J. M. Gazzola
The Hon. D.G.E. Hood
The Hon. I. K. Hunter
The Hon. M. C. Parnell
The Hon. K. L. Vincent
The Hon. R. P. Wortley
The Hon. C. Zollo
The Hon. P. Holloway (Teller)

So it passed in the negative.
The Hon. R. I. Lucas moved on page 4, after line 23, to insert the following:

“(5b) Section 3(1), definition of gaming machine—delete "or other token" and substitute:

. a token or a gaming machine ticket”.

Question - That new paragraph (5b), as proposed to be inserted, be so inserted - put and negatived.

Clause No. 4 agreed to.
Clauses No. 5 to No. 9 agreed to.
Clause No. 10 read.

The Hon. J. A. Darley moved on page 6, after line 25, to insert the following:

“"After subsection (1) insert:

(1a) Without limiting the generality of subsection (1)(b), the social effect principles must include principles—

(a) requiring the socio-economic characteristics of the local community to be taken into account; and

(b) describing the level of social effect on a local community and, in particular, on problem gambling within a local community, that is considered unacceptable.”.

Question - That the amendment be agreed to - put.

Committee divided:

Ayes, 8
The Hon. A. M. Bressington
The Hon. R. L. Brokenshire
The Hon. T. A. Franks
The Hon. D.G.E. Hood
The Hon. M. C. Parnell
The Hon. K. L. Vincent
The Hon. S. G. Wade
The Hon. J. A. Darley (Teller)

Noes, 13
The Hon. J.S.L. Dawkins
The Hon. B. V. Finnigan
The Hon. G. E. Gago
The Hon. J. M. Gazzola
The Hon. I. K. Hunter
The Hon. J. S. Lee
The Hon. J.M.A. Lensink
The Hon. R. I. Lucas
The Hon. D. W. Ridgway
The Hon. T. J. Stephens
The Hon. R. P. Wortley
The Hon. C. Zollo
The Hon. P. Holloway (Teller)

So it passed in the negative.

The Hon. T. A. Franks moved on page 7, line 31, after “licensees” to insert “and to the advisory committee established under section 13”.

Question - That the amendment be agreed to - put and negatived.

The Hon. T. A. Franks moved on page 7, line 42, to leave out “5” and insert “2”.

Question - That the amendment be agreed to - put and negatived.

Clause No. 10 agreed to.
Clause No. 11 read.

To report progress and ask leave to sit again.

The President resumed the Chair and reported progress and obtained for the Committee leave to sit again on next day of sitting.

Postponement of Business.

21. Ordered - That all remaining Orders of the Day (Government Business) be Orders of the Day for next day of sitting.

Next Day of Sitting.

22. Ordered - That the Council, at its rising, do adjourn until tomorrow at eleven o’clock a.m.
23. The following Messages from the House of Assembly were received and read:

**Message No. 53**

MR. PRESIDENT - The House of Assembly has agreed to the Bill returned herewith, entitled an Act to amend the Fair Trading Act 1987 to make provision for the application of the Australian Consumer Law as a law of South Australia; to amend the Statutes Amendment and Repeal (Fair Trading) Act 2009; and to repeal the Fair Trading (Telemarketing) Amendment Act 2009, the Manufacturers Warranties Act 1974 and the Trade Standards Act 1979, without any amendment.

House of Assembly, 23 November 2010. L. R. BREUER, Speaker.

**Message No. 54**

MR. PRESIDENT - The House of Assembly has passed the Bill transmitted herewith entitled an Act to amend the Controlled Substances Act 1984, to which it desires the concurrence of the Legislative Council.

House of Assembly, 23 November 2010. L. R. BREUER, Speaker.

Ordered - That the second reading be an Order of the Day for next day of sitting.

24. Council adjourned at fifteen minutes past six o’clock until tomorrow at eleven o’clock a.m.

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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. P. Holloway  The Hon. D. W. Ridgway
The Hon. J. A. Darley  The Hon. D.G.E. Hood  The Hon. T. J. Stephens
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

WEDNESDAY 24 NOVEMBER 2010

Council meets at 11 a.m.

Notices of Motion: Private Business -

1. The Hon. D. W. Ridgway to move - That he have leave to introduce a Bill for an Act to amend the Development Act 1993.

2. The Hon. R. P. Wortley to move - That the District Council of Victor Harbor By-law No. 2 concerning Moveable Signs, made on 20 September 2010 and laid on the Table of this Council on 14 October 2010, be disallowed.

3. The Hon. R. P. Wortley to move - That the Reports of the Natural Resources Committee on Natural Resources Management Board Levy Proposals, 2010-2011, on Adelaide and Mount Lofty Ranges, Eyre Peninsula, Kangaroo Island, Northern and Yorke, South Australian Arid Lands, South Australian Murray Darling Basin and South East, be noted.

4. The Hon. I. K. Hunter to move - That he have leave to introduce a Bill for an Act providing for marriage between adults of the same sex.


6. The Hon. M. C. Parnell to move - That noting the recent decision of the High Court in the case of State of South Australia v Totani and Another, the Legislative Council refers the following matters to the Legislative Review Committee for inquiry and report -
   I. The extent to which South Australian legislation includes the concepts of criminal intelligence, declared organisations or control orders;
   II. Any concerns about the Constitutional validity of such provisions;
   III. The consistency of such provisions with established legal principles;
   IV. The impact of such provisions on the civil liberties of South Australians;
   V. The effectiveness of such provisions;
   VI. The desirability or otherwise of expanding or contracting the use of such provisions in legislation;
   VII. Whether any amendments to any Acts are necessary or desirable; and
   VIII. Any other relevant matter.

7. The Hon. M. C. Parnell to move - That he have leave to introduce a Bill for an Act to amend the Parliamentary Remuneration Act 1990.

Orders of the Day: Private Business -

1. Select Committee on Matters Related to the General Election of 20 March 2010: Report to be brought up.

2. Budget and Finance Committee: Report to be brought up.

3. The Hon. R. P. Wortley to move - That the General Regulations under the South Australian Housing Trust Act 1995, made on 29 July 2010 and laid on the Table of this Council on 14 September 2010, be disallowed.
4. The Hon. R. P. Wortley to move - That By-law No. 3 of the District Council of Kangaroo Island concerning Local Government Land, made on 13 August 2010 and laid on the Table of this Council on 14 September 2010, be disallowed.

5. The Hon. R. P. Wortley to move - That By-law No. 5 of the District Council of Kangaroo Island concerning Dogs, made on 13 August 2010 and laid on the Table of this Council on 14 September 2010, be disallowed.

6. The Hon. R. P. Wortley to move - That By-law No. 6 of the District Council of Kangaroo Island concerning Cats, made on 13 August 2010 and laid on the Table of this Council on 14 September 2010, be disallowed.

7. The Hon. R. P. Wortley to move - That By-law No. 8 of the District Council of Kangaroo Island concerning Boat Facilities, made on 13 August 2010 and laid on the Table of this Council on 14 September 2010, be disallowed.

8. The Hon. R. P. Wortley to move - That By-law No. 9 of the District Council of Kangaroo Island concerning Foreshores, made on 13 August 2010 and laid on the Table of this Council on 14 September 2010, be disallowed.


10. The Hon. S. G. Wade to move - That the By-law under the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 concerning Permits, made on 2 September 2010 and laid on the Table of this Council on 14 September 2010, be disallowed.

11. Road Traffic (Owner Offences) Amendment Bill (No. 57): adjourned debate on second reading - (November 10) - (The Hon. J. M. Gazzola)

12. Local Government (Miscellaneous) Amendment Bill (No. 58): adjourned debate on second reading - (November 10) - (The Hon. J. M. Gazzola)

13. Adjourned debate on motion of the Hon. J.M.A. Lensink -
   I. That a Select Committee of the Legislative Council be appointed to inquire and report upon -
      (a) Disability equipment payments made to non-Government organisations raised in the 2009-2010 Auditor-General’s Report;
      (b) The appropriateness of one-off funding commitments for disability services in comparison to increased recurrent expenditure; and
      (c) Any other related matter.
   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 - (November 10) - (The Hon. J. M. Gazzola).


16. Adjourned debate on motion of the Hon. T. J. Stephens -
   I. That a Select Committee of the Legislative Council be appointed to inquire into the
      Department for Correctional Services and report upon -
      (a) Whether sufficient resources exist for the safe, effective and efficient operation of
          South Australia’s prison system;
      (b) Claims of bullying and harassment within the Department;
      (c) Claims that correct Departmental practices and procedures are regularly ignored by
          management;
      (d) Claims of drug use and sales within the prison system;
      (e) Claims of poor occupational health and safety management in prisons; and
      (f) Any other relevant matter.
   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 - (November 10) - (The Hon.
       J. M. Gazzola).

17. Criminal Cases Review Commission Bill (No. 59): adjourned debate on second reading -
   (November 10) - (The Hon. R. P. Wortley).4

18. Workers Rehabilitation and Compensation (Reinstatement of Entitlements) Amendment Bill
    (No. 60): adjourned debate on second reading - (November 10) - (The Hon. R. P. Wortley).4

19. The Hon. R. L. Brokenshire to move - That the Statutory Authorities Review Committee inquire
    into and report on the effectiveness of the Office of the Health and Community Services
    Complaints Commissioner having regard to -
    I. Any concerns that members of the public or the Committee have regarding the Office’s
       responsiveness to complaints to the Office;
    II. Any proven outcomes since the creation of the Office;
    III The adequacy of reporting by the Office;
    IV. The adequacy in quantity and quality of reports produced by the Office pursuant to
       section 54 of the Health and Community Services Complaints Act 2004;
    V. Examples of use of the Office’s discretionary powers under the said Act;
    VI. The staffing levels in the Office and the efficiency and effectiveness of resource use by the
        Office;
    VII. The number of complaints processed by the Office in comparison to -
        (a) the Ombudsman’s Office prior to the formation of the Office; and
        (b) comparable offices interstate;
    VIII. The extent to which the State Government has contributed by acts or omissions to any
           shortcomings identified in the foregoing including by virtue of failures to meet its
           obligations under sections 19(2) and 67 of the said Act;
    IX. Whether persons appointed to the Health and Community Services Advisory Council
        properly represent the intent of the said Act;
    X. Whether the term of office for the Commissioner is appropriate in the circumstances;
    XI. Whether any amendments to the Act are necessary to improve the effectiveness of the
        Office; and
    XII. Any other relevant matter.

20. The Hon. R. L. Brokenshire to move -
    I. That a Select Committee of the Legislative Council be appointed to inquire into and report
       upon -
       (a) The history of the Parks Community Centre, its reception and service delivery in the
           community; and
       (b) The current State Government plans concerning the said Centre; and
       (c) Alternative policy initiatives that may be taken in relation to the said Centre; and
       (d) Any other relevant matter.
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.

21. Consent to Medical Treatment and Palliative Care (Termination of Pregnancy) Amendment Bill (No. 53): adjourned debate on second reading - (October 27) - (The Hon. I. K. Hunter)9.

22. Adjourned debate on motion of the Hon. A. M. Bressington - That this Council recognises the research and treatment delivered by Dr. A. K. Susheela, Ph.D., in the area of fluoride toxicity and fluorosis and urges the Minister to facilitate Dr. Susheela coming to Adelaide for a seminar to train medical practitioners, gynaecologists and obstetricians in the early detection of fluoride poisoning - (October 27) - (The Hon. R. P. Wortley).

23. Parks Community Centre (Preservation of Land and Services) Bill (No. 54): adjourned debate on second reading - (October 27) - (The Hon. J. M. Gazzola)2.


25. Adjourned debate on motion of the Hon. M. C. Parnell - That the Miscellaneous Regulations under the Development Act 1993, made on 16 September 2010 and laid on the Table of this Council of Tuesday, 28 September 2010, be disallowed - (October 27) - (The Hon. J. M. Gazzola).

26. Adjourned debate on motion of the Hon. T. A. Franks -
   I. That a Select Committee of the Legislative Council be appointed to inquire into and report upon the Lonsdale-based Adelaide Desalination Plant project including the following matters -
      (a) The management and administration of the project;
      (b) The procedures and practices with regard to workplace safety;
      (c) The related matters of worker deaths and injuries; and
      (d) Any other relevant matter.
   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 - (October 27) - (The Hon. J. M. Gazzola).


29. Adjourned debate on motion of the Hon. M. C. Parnell -
   I. That a Select Committee of the Legislative Council be established to inquire and report on the relationship between industrial and residential land uses on the Le Fevre Peninsula and adjacent areas, with specific reference to -
      (a) The risk to health, safety and amenity of existing residents and potential new residents;
      (b) The impact of new residential development on existing and potential future industry;
(c) The adequacy of existing laws, policies and guidelines;
(d) The role of the following agencies:
   i. Land Management Corporation;
   ii. Environment Protection Authority;
   iii. Port Adelaide Enfield Council;
   iv. Development Assessment Commission;
   v. Development Policy Advisory Committee;
   vi. Other referral bodies under the Development Act; and
   vii. Other relevant agencies; and
(e) Any other matters that the Committee considers 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 - (October 27) - (The Hon. J. M. Gazzola).

30. The Hon. R. L. Brokenshire to move - That he have leave to introduce a Bill for an Act to amend the Health Care Act 2008.

31. Consent to Medical Treatment and Palliative Care (End of Life Arrangements) Amendment Bill (No. 42): adjourned debate on second reading - (September 29, November 10) - (The Hon. I. K. Hunter)⁷.

32. Controlled Substances (Simple Cannabis Offences) Amendment Bill (No. 43): adjourned debate on second reading - (September 29) - (The Hon. B. V. Finnigan)⁴.

33. Coroners (Recommendations) Amendment Bill (No. 44): adjourned debate on second reading - (September 29) - (The Hon. R. P. Wortley)⁴.

34. Development (Advisory Committee Advice) Amendment Bill (No. 45): in Committee - clause 3 - (November 10)⁷.

35. Children’s Protection (Reporting of Suspected Criminal Offence) Amendment Bill (No. 46): adjourned debate on second reading - (September 29) - (The Hon. B. V. Finnigan)⁴.

36. The Hon. R. P. Wortley to move - That the Corporation of Port Augusta By-law No. 2 concerning Moveable Signs, made on 22 February 2010 and laid on the Table of this Council on 11 May 2010, be disallowed.


39. Adjourned debate on motion of the Hon. M. C. Parnell - That this Council -
   I. Notes the recent agreements signed between the Australian Greens and the Australian Labor Party, and between the Australian Labor Party and the Independent Federal Members (Mr. Tony Windsor and Mr. Rob Oakeshott), in particular, the focus in both documents on improving the processes and integrity of Parliament; and
   II. Requests the Standing Orders Committee to consider amendments involving the following, viz:
      (a) at the beginning of each sitting day, prior to prayers, the President to make an acknowledgement of country;
(b) questions during Question Time be limited to forty-five seconds and answers to four minutes;
(c) answers must be “directly relevant to the question”, with the President to lead on enforcement of the relevance test; and
(d) the preference in Question Time for both questioners and Ministers to endeavour not to use notes - (September 15) - (The Hon. I. K. Hunter).

40. Consent to Medical Treatment and Palliative Care (Parental Consent) Amendment Bill (No. 39): adjourned debate on second reading - (September 15) - (The Hon. R. P. Wortley)².

41. Adjourned debate on motion of the Hon. R. I. Lucas - That this Council notes possible changes to the Standing Orders of the Legislative Council and procedure governing the efficient operation of the Legislative Council - (September 15) - (The Hon. R. I. Lucas).

42. Adjourned debate on motion of the Hon. R. I. Lucas - That this Council notes -
   I. statements made by the Treasurer and Premier before the election about the state of the budget; and
   II. with concern recent information about the state of the budget and the Rann Government’s management of the State’s finances - (July 21) - (The Hon. R. I. Lucas).

43. Native Vegetation (Application of Act) Amendment Bill (No. 29): adjourned debate on second reading - (July 21) - (The Hon. J. M. Gazzola)².

44. Electricity (Renewable Energy) Amendment Bill (No. 30): adjourned debate on second reading - (July 21) - (The Hon. J. M. Gazzola)².

45. Children’s Protection (Grandparents and Family Care) Amendment Bill (No. 31): adjourned debate on second reading - (July 21) - (The Hon. D. W. Ridgway)².

46. Disability (Mandatory Reporting) Bill (No. 32): adjourned debate on second reading - (July 21, October 27) - (The Hon. B. V. Finnigan)².

47. Electoral (Voting Age) Amendment Bill (No. 33): adjourned debate on second reading - (July 21) - (The Hon. C. Zollo)².

48. Stolen Generations Reparations Tribunal Bill (No. 34): adjourned debate on second reading - (July 21) - (The Hon. B. V. Finnigan)².

49. Criminal Law (Sentencing) (Mandatory Imprisonment of Child Sex Offenders) Amendment Bill (No. 23): adjourned debate on second reading - (June 30) - (The Hon. J. M. Gazzola)².

50. Adjourned debate on motion of the Hon. T. A. Franks -
   I. That this Council notes -
      (a) that the South Australian Non-Government Organisation Community Sector relies heavily on State Government funding for delivery of services and payments of wages to workers in the industry and that this emotionally taxing labour which is most often performed by women workers is critical to the fabric of our community and to a broader goal of women’s pay equity in Australia;
      (b) that the significant value of this labour is not always reflected in the pay those in the community sector receive and that consequently community sector workers’ unions lodged an equal remuneration order with the regulator in March this year and that Fair Work Australia will hold hearings into that pay claim later this year;
      (c) that a similar pay equity case conducted in Queensland in 2008 resulted in pay increases of up to 37% for workers in this same sector; and
      (d) that as of 18 June 2010 the Victorian Government has agreed to back higher rates of pay for community sector workers in a deal where that Government would underwrite salary parity for the community sector.
II. That this Council calls on the Treasurer and the Minister for Families and Communities to fund the community services sector sufficiently to address this pay inequity still endured by South Australian community sector employees regardless of the outcome of the Fair Work Australia case so that South Australia can join Queensland and Victoria in fully recognising the valuable work of the Non-Government Organisation community sector - (June 23, November 10) - (The Hon. B. V. Finnigan).

51. Family Relationships (Parentage) Amendment Bill (No. 18): adjourned debate on second reading - (June 23, 30) - (The Hon. J.S.L. Dawkins)

52. Adjourned debate on motion of the Hon. A. M. Bressington - That this Council -
   I. Calls on the Minister for Industrial Relations to initiate an inquiry into -
      (a) The improper use of interstate Independent Medical Examiners, including allegations of -
         i. the use of interstate Independent Medical Examiners in preference to South Australian medical practitioners who are suitably qualified and available;
         ii. interstate Independent Medical Examiners being engaged by claims managers because they are likely to provide a report more favourable to the claims manager’s interests; and
         iii. interstate Independent Medical Examiners engaging in unorthodox practices designed to intimidate injured workers;
      (b) The allegation that Employers Mutual Limited case managers are intentionally deterring South Australian medical practitioners from working as Independent Medical Examiners by, amongst other things, paying them less than that paid to interstate Independent Medical Examiners and by delaying payment for work completed;
      (c) The allegations that Employers Mutual Limited and other claims managers are “doctor shopping” by engaging multiple Independent Medical Examiners until a report considered favourable is received;
      (d) The number of independent medical examinations conducted by interstate Independent Medical Examiners each year over the last four years; and
      (e) The number of independent medical examinations conducted and how many injured workers have been required by their case managers to have an assessment by an Independent Medical Examiner each year over the last four years.
   II. Requests the Minister to table the report on the findings of the inquiry.
   To which the Hon. R. I. Lucas moved to amend in paragraph I(a) by leaving out the word “improper”.
   Question - That the word proposed to be struck out, stand - (June 23, September 15, October 27) - (The Hon. I. K. Hunter).

53. Adjourned debate on motion of the Hon. M. C. Parnell - That this Council -
   I. Notes the convergence of over 700 farmers, academics, Government officials, health and community workers, environmentalists, educators and others held at the University of South Australia in February 2010 under the banner “From Plains to Plate: the Future of Food in South Australia”;
   II. Notes the release of a Food Convergence Declaration summarising the discussions and ideas that emerged from this gathering;
   III. Notes in particular the focus in the Declaration on the importance of zoning land to ensure food security and the need for food security and sustainability to be explicitly acknowledged as central Government policy priority; and
   IV. Calls on the South Australian Government to work with the community to develop a shared vision for the future of food in South Australia and to adopt the recommendations included in the Declaration - (June 23) - (The Hon. I. K. Hunter).


55. Children’s Protection (Recording of Meetings) Amendment Bill (No. 11): adjourned debate on second reading - (May 26) - (The Hon. I. K. Hunter)².
56. Independent Commission Against Corruption Bill (No. 4): in Committee.

57. The Hon. R. L. Brokenshire to move - That he have leave to introduce a Bill for an Act to amend the Electoral Act 1985.

58. Independent Commission Against Corruption Bill (No. 5): adjourned debate on second reading - (May 12) - (The Hon. T. J. Stephens).

59. Subordinate Legislation (Miscellaneous) Amendment Bill (No. 6): adjourned debate on second reading - (May 12) - (The Hon. T. J. Stephens).

60. Willunga Basin Protection Bill (No. 7): adjourned debate on second reading - (May 12) - (The Hon. T. J. Stephens).

61. Environment Protection (Right to Farm) Amendment Bill (No. 8): adjourned debate on second reading - (May 12) - (The Hon. T. J. Stephens).

62. The Hon. R. L. Brokenshire to move - That he have leave to introduce a Bill for an Act to amend the Constitution Act 1934.


64. Adjourned debate on motion of the Hon. M. C. Parnell - That this Council:
   I. Notes the decision of the Supreme Court on 9 April 2010 in the matter of White and Others against the State of South Australia.
   II. Notes with alarm the misguided intervention of two Government Ministers in the case, namely the Treasurer (The Hon. K. O. Foley) and the Minister for Police (The Hon. M. J. Wright).
   III. Notes the remarks of His Honour Justice Anderson that the comments of the Ministers were unfounded, unreasonable, antagonistic, unjustified and offensive and that His Honour increased the award of damages to the Plaintiffs by $135,000 as a direct consequence of the Ministers’ behaviour.
   IV. Calls on the Treasurer and the Minister for Police to apologise to the South Australian people for the impact their comments have had on the finances of the State - (May 12, 26) - (The Hon. B. V. Finnigan).

Orders of the Day: Government Business -

1. Adjourned debate on motion of the Minister for State/Local Government Relations - That this Council requests His Excellency the Governor to make a proclamation under section 34A(2) of the National Parks and Wildlife Act 1972 excluding the following land from the Innamincka Regional Reserve:
   Sections 791, 1081-1084, Out of Hundreds (Innamincka);
   Allotments 41, 44, 48, 63-72, 77-82, 84-100, 115-118, 127-132, 135, 136, 151-164, 168-175, 179-186, 188-194, 196, 198-201, Township of Innamincka, Out of Hundreds (Innamincka);
   Allotments 51 and 52, Deposited Plan 84007, Out of Hundreds (Innamincka);
   Allotment 54, Deposited Plan 84009, Out of Hundreds (Innamincka) - (November 23) - (The Hon. M. C. Parnell).


*Received from House of Assembly.
5. Road Traffic (Use of Test and Analysis Results) Amendment Bill (No. 52): adjourned debate on second reading - (October 28, November 23) - (The Hon. J. M. Gazzola).


10. Statutes Amendment (Criminal Intelligence) Bill (No. 65): adjourned debate on second reading - (November 10, 23) - (The Hon. J. M. Gazzola).


Contingent Notice of Motion -

1. Contingently, on the second reading of any Bill being moved, or on any Bill being reported, the Minister for Mineral Resources Development 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.

*Received from House of Assembly.

Member in charge of Bill -
1Hon. S. G. Wade
2Hon. R. L. Brokenshire
3Hon. J.S.L. Dawkins
4Hon. A. M. Bressington
5Hon. J.M.A. Lensink
6Hon. T. A. Franks
7Hon. M. C. Parnell
8Hon. K. L. Vincent
9Hon. D.G.E. Hood
10Hon. D. W. Ridgway