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

2. The Minister for Regional Development (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 (Prescribed Motor Vehicles) Amendment Bill.

Question put and passed.

3. The Clerk announced that the following Petitions had been lodged for presentation:

By the Hon. R. L. Brokenshire from 77 residents of South Australia, concerning the Parks Community Centre. The Petitioners pray that this Honourable House will call upon the State Government to reinstate funding for the redevelopment, continuation of existing services and locating of new community services at the Parks Community Centre site and support legislation that will guarantee protection of the Parks site as community land reserved for future generations.

By the Hon. R. L. Brokenshire from 169 residents of South Australia, concerning car parking at public hospitals, health services and other facilities. The Petitioners pray that this Honourable House will call upon the State Government to -

1. reverse the decision to introduce or increase paid car parking to all public hospitals, health services and facilities; and
2. rule out privatising or otherwise reducing State ownership and control of car parking at public hospitals, health services and facilities.

By the Hon. R. L. Brokenshire from 17 residents of South Australia, concerning school bus services. The Petitioners pray that this Honourable House will call upon the State Government to -

1. reverse the decision to give a majority tender to a Victorian company for school services to South Australia; and
2. ensure that school services are contracted to South Australian local small businesses instead and in future.

By the Hon. R. L. Brokenshire from 17 residents of South Australia, concerning stock theft. The Petitioners pray that this Honourable House will call upon the State Government to reinstate a Stock Squad specially trained to investigate, prosecute, liaise with local and interstate agencies and bring to justice perpetrators of stock theft.

4. The following Paper was laid upon the Table, viz.:

By the President -

5. Ordered - That Orders of the Day (Government Business) No. 1 to No. 7 be Orders of the Day for next day of sitting.

6. Ordered - That Orders of the Day (Government Business) No. 8 to No. 10 be postponed and taken into consideration after Order of the Day (Government Business) No. 11.

7. On the Order of the Day being read for the adjourned debate on the question - That the Small Business Commissioner Bill be now read a second time:

   Debate resumed.
   On motion of the Hon. I. K. Hunter, the debate was adjourned until next day of sitting.

8. On the Order of the Day being read for the adjourned debate on the question - That the Legal Services Commission (Charges on Land) 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. 4 agreed to.
   Schedule read.

   The Hon. S. G. Wade moved on page 3, lines 3 and 4, to leave out “apply, after the commencement of section 4, in relation to charged land whether the charge was created before or after that commencement” and insert “only apply in relation to a charge on land created after the commencement of section 4”.

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


10. On the Order of the Day being read for the adjourned debate on the question - That the Radiation Protection and Control (Licences and Registration) 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**

    Clause No. 1 read.

    During debate on clause No. 1, the Minister for Industrial Relations tabled a document titled “Appendix 2 - Fees for new licences and accreditations”.

    Clause No. 1 agreed to.
    Clauses No. 2 to No. 6 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.

11. On the Order of the Day being read for the adjourned debate on the question - That the Criminal Law (Sentencing) (Sentencing Considerations) Amendment Bill be now read a second time:
    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.

12. On the Order of the Day being read for the adjourned debate on the question - That the Road Traffic (Red Light Offences) 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

    Clause No. 1 agreed to.
    Clause No. 2 read.
    The Hon. R. L. Brokenshire moved - That the Chairperson report progress and ask leave to sit again.
    Question put.
    Committee divided:
      Ayes, 13
      The Hon. A. M. Bressington
      The Hon. J. A. Darley
      The Hon. J. S. L. Dawkins
      The Hon. T. A. Franks
      The Hon. D. G. E. Hood
      The Hon. J. S. Lee
      The Hon. J. M. A. Lensink
      The Hon. R. I. Lucas
      The Hon. M. C. Parnell
      The Hon. D. W. Ridgway
      The Hon. K. L. Vincent
      The Hon. S. G. Wade
      The Hon. R. L. Brokenshire (Teller)
      Noes, 6
      The Hon. B. V. Finnigan
      The Hon. G. E. Gago
      The Hon. J. M. Gazzola
      The Hon. G. A. Kandelaars
      The Hon. C. Zollo
      The Hon. R. P. Wortley (Teller)
    So it was resolved in the affirmative.
    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.

13. On the Order of the Day being read for the adjourned debate on the question - That the Native Vegetation (Miscellaneous) Amendment Bill be now read a second time:
    Debate resumed.
    On motion of the Hon. I. K. Hunter, the debate was adjourned until next day of sitting.

14. Ordered - That the remaining Order of the Day (Government Business) be an Order of the Day for next day of sitting.
15. The following Message from the House of Assembly was received and read:

Message No. 123

MR. PRESIDENT - The House of Assembly has passed the Bill transmitted herewith entitled an Act to amend the Natural Resources Management Act 2004, to which it desires the concurrence of the Legislative Council.
The Minister for Industrial Relations then moved - That the Bill be now read a second time.
On motion of the Hon. J.M.A. Lensink, the debate was adjourned until next day of sitting.

Next Day of Sitting.
16. Ordered - That the Council, at its rising, do adjourn until Tuesday, 18 October 2011, at fifteen minutes past two o’clock.

Adjournment.
17. Council adjourned at eleven minutes to six o’clock until Tuesday, 18 October 2011, 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. J. A. Darley The Hon. I. K. Hunter 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

TUESDAY 18 OCTOBER 2011

Orders of the Day: Government Business -


*2. Stamp Duties (Partnership Interests) Amendment Bill (No. 35): adjourned debate on second reading - (July 21, September 16) - (The Hon. R. P. Wortley).

*3. Statutes Amendment (Criminal Intelligence) Bill (No. 65): in Committee - clause 6 - (November 25, March 8).


*5. Natural Resources Management (Review) Amendment Bill (No. 78): in Committee - clause 2 - (May 3, September 13).


*7. Statutes Amendment (Community and Strata Titles) Bill (No. 115): adjourned debate on second reading - (July 27, September 15) - (The Hon. S. G. Wade).


*9. Road Traffic (Red Light Offences) Amendment Bill (No. 126): in Committee - clause 2 - (September 29).


*11. Native Vegetation (Miscellaneous) Amendment Bill (No. 129): adjourned debate on second reading - (September 15, 29) - (The Hon. I. K. Hunter).


WEDNESDAY 19 OCTOBER 2011

Notices of Motion: Private Business -


*Received from House of Assembly.
2. The Hon. G. A. Kandelaars to move - That By-law No. 4 of the Corporation of the City of Adelaide concerning Roads, made on 9 June 2011 and laid on the Table of this Council on 21 June 2011, be disallowed.

3. The Hon. G. A. Kandelaars to move - That the Report of the Natural Resources Committee on Little Penguins be noted.


5. The Hon. S. G. Wade to move - That By-law No. 3 of the Corporation of the City of Adelaide concerning Local Government Land, made on 9 June 2011 and laid on the Table of this Council on 21 June 2011, be disallowed.

6. The Hon. S. G. Wade to move - That By-law No. 4 of the Corporation of the City of Adelaide concerning Roads, made on 9 June 2011 and laid on the Table of this Council on 21 June 2011, be disallowed.

7. The Hon. T. A. Franks to move - That this Council -
   I. Supports Same Sex Marriage Equality; and
   II. Calls on the Parliament of the Commonwealth of Australia to amend the Commonwealth Marriage Act 1961 to provide for same sex marriage equality.

Orders of the Day: Private Business -

1. The Hon. K. L. Vincent to move - That the Adelaide City Council -
   I. Rescind its direction to the Liquor Licensing Commission to reject an application for a liquor licence from computer/console gaming venue, The Pimp Pad, located at 13 Franklin Street, Adelaide; and
   II. Retract false public comment made by its Councillors regarding the venue, including allegations that The Pimp Pad is an adult entertainment venue and that management are seeking a 24 hour liquor licence - (September 28) - (The Hon. J. M. Gazzola).

2. Education (Closure and Amalgamation of Government Schools) Amendment Bill (No. 131): adjourned debate on second reading - (September 28) - (The Hon. J. M. Gazzola)\(^6\).

3. Victims of Crime (Compensation Limits) Amendment Bill No. (132): adjourned debate on second reading - (September 28) - (The Hon. I. K. Hunter)\(^4\).

4. Adjourned debate on motion of the Hon. A. M. Bressington - That the Legislative Council condemns the failure of the Attorney-General to answer the questions asked in the Legislative Council concerning the case of Ms. Katrina Ternezis and to substantially respond to correspondence sent by Mr. John Ternezis concerning the same - (September 28) - (The Hon. I. K. Hunter).

5. Statutes Amendment (Drug Driving) Bill (No. 133): adjourned debate on second reading - (September 28) - (The Hon. I. K. Hunter)\(^2\).

6. South Australian Housing Trust (Miscellaneous) Amendment Bill (No. 134): adjourned debate on second reading - (September 28) - (The Hon. I. K. Hunter)\(^2\).

7. Adjourned debate on motion of the Hon. M. C. Parnell - That this Council -
   I. Notes the likely release in November of the draft Basin Plan by the Murray Darling Basin Authority;
   II. Notes the concerns of the Wentworth Group of Concerned Scientists about the Murray Darling Basin Authority’s Basin Plan process;
   III. Notes the important work and findings on water reform prepared by the Goyder Institute commissioned by the South Australian Government;
   IV. Notes that South Australia’s position at the end of the River Murray exposes our State to serious risk of harm unless there is a commitment to river flows that are sufficient to ensure a healthy River system;
V. Recognises that the Basin Plan is the single biggest opportunity to reform the management of the Murray Darling Basin and ensure a healthy river, healthy productive communities and a long term future for irrigation in the basin; and

VI. Calls for a guaranteed minimum sustainable river flow to ensure a healthy working River Murray that is based on the best available, peer-reviewed science - (September 28) - (The Hon. I. K. Hunter).

8. Adjourned debate on motion of the Hon. K. L. Vincent -
   I. That a Select Committee of the Legislative Council be established to inquire into and report on access to and interaction with the South Australian Justice System for people with disabilities, their families, carers and support networks, namely -
      (a) participants’ knowledge of their rights;
      (b) availability and use of appropriate services supports;
      (c) dealings with the police;
      (d) the operation of the courts;
      (e) how South Australia compares with other states and countries in terms of access to the justice system for people with disabilities and what measures could be taken to enhance participation in and thereby provide people with disabilities with just and equitable access to our justice system; and
      (f) 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 reported 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 - (September 14) - (The Hon. G. A. Kandelaars).

9. Adjourned debate on motion of the Hon. K. L. Vincent - That the Social Development Committee inquire into and report on the issue of co-morbidity, which here refers to a dual diagnosis of both intellectual disability and mental illness, viz:-
   I. Facilities in South Australia currently treating people with a dual diagnosis with particular reference to the Margaret Tobin Centre and James Nash House;
   II. The possibility of establishing a new forensic facility similar to James Nash House in South Australia to deal specifically with offenders with intellectual disability;
   III. The level of training offered to general practitioners, psychologists, psychiatrists and other relevant professional in the area of dual diagnosis and possible measures to enhance that training;
   IV. Information given to individuals and carers on how to manage a dual diagnosis;
   V. Supports to aid individuals and carers in managing and living with a dual diagnosis; and
   VI. Any other related matter - (September 14) - (The Hon. I. K. Hunter).

10. Adjourned debate on motion of the Hon. D. W. Ridgway -
    I. That a Select Committee of the Legislative Council be established to inquire into and report upon the Department of Education’s open procurement process for school bus contracts, with particular reference to -
        (a) The impact on regional communities through the subsequent deterioration of family business operators if contracts are lost;
        (b) The ability of South Australian small operators to be sustained by private contract work and the subsequent impact on South Australia’s future market competitiveness;
        (c) The inclination of new contractors to support small communities in the same way as previous family bus company contractors;
        (d) The sustainability of benchmarks used to determine tender applications;
        (e) Government subsidies and the concession reimbursement scheme provided to some operators;
        (f) The failure to provide certainty for school bus operators whose contracts are yet to expire; and
        (g) 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 - (September 14) - (The Hon. I. K. Hunter).

11. Assisted Reproductive Treatment (Assistance for Lesbians and Single Women) Amendment Bill (No. 123): adjourned debate on second reading - (September 14) - (The Hon. J.M.A. Lensink)\(^2\).

12. Electoral (Cost of By-elections) Amendment Bill (No. 124): adjourned debate on second reading - (September 14) - (The Hon. J. M. Gazzola)\(^3\).

13. Constitution (Miscellaneous) Amendment Bill (No. 125): adjourned debate on second reading - (September 14) - (The Hon. C. Zollo)\(^3\).

14. Adjourned debate on motion of the Hon. R. L. Brokenshire - That this Council -
   I. Recognises the public rallies and thousands of petition signatures tabled and otherwise shown to the Parliament concerning the Rann Government’s decision to impose paid parking in public hospital car parks from 15 August 2011; and
   II. Calls upon the Government to remove parking meters and rescind the policy immediately - (September 14) - (The Hon. G. A. Kandelaars).

15. Adjourned debate on motion of the Hon. T. A. Franks - That this Council calls on the Government to -
   I. Take note of concerns voiced in recent media by Members of the Federal Government and indigenous leaders that the current administration of State Government services across Anangu Pitjantjatjara Yankunytjatjara (APY) lands is lacking and despite efforts in the past to address these issues, coordination and resourcing for essential services, food security, education, housing and employment and health are still inadequate;
   II. Use this criticism as an opportunity to rise to the challenge of closing the gap and ensuring Anangu are listened to and empowered and resourced to lead the way in meeting this significant and important challenge; and
   III. Provide this Council within one month of details of the urgent steps that will be taken to guarantee Anangu living on APY lands good health and opportunities of a standard fitting Australia’s status as a developed nation and how these will be measured and monitored in a transparent and open manner - (September 14) - (The Hon. I. K. Hunter).


20. Adjourned debate on motion of the Hon. J.S.L. Dawkins - That this Council -
   I. Congratulates the Operation Flinders Foundation on its 20th Anniversary and success in providing support and opportunities to young men and women who have been identified as being at risk.
II. Acknowledges the terrific work done to develop the personal attitudes, values, self esteem and motivation of Operation Flinders participants through espousing the virtues of team work and responsibility so they may grow as valued members of the community; and

III. Pays tribute to the staff, volunteers, Board members and ambassadors of the organisation, past and present, who dedicate time, skills and resources into empowering youth through this worthy organisation - (July 27, September 28) - (The Hon. I. K. Hunter).


22. Adjourned debate on motion of the Hon. S. G. Wade -
   I. That this Council notes community concern that appropriate action be taken in relation to actions of the former Burnside Council, councillors, staff and non-elected persons.
   II. The Legislative Council therefore refers the following matters to the Ombudsman, pursuant to section 14 of the Ombudsman’s Act 1972, for investigation and report as to whether the Burnside City Council has contravened, or failed to comply with, any provisions of the Local Government Act 1999, any other Act or good standards of public administration -
      (a) whether the Council’s adoption and implementation of policies, practices and procedures between the 2006 election and the 2010 election reflected good administrative practice in the areas of -
         i. the alleged improper use of confidential Council information by elected members and by staff of the Council;
         ii. the obligations of elected members to act honestly, and with reasonable care and diligence, in the performance and discharge of their official functions and duties;
         iii. dealing with conflict between elected members and between elected members and staff;
         iv. ensuring a working environment that is free from harassment and bullying;
         v. managing the relationship between the Council and individual rate-payers; and
         vi. any other matter;
      (b) the circumstances of the Chief Executive’s resignation and reinstatement in June 2009;
      (c) whether the Council’s meeting practices between the 2006 and 2010 election fulfilled the Council’s obligation to act as a representative, informed and responsible decision-maker in the interests of the community;
      (d) whether improper weight has been placed by elected members or by staff of the Council in making any decisions of Council on the views and/or influence of a person who is neither an elected member or a member of staff since the 2006 election;
      (e) whether a ‘public officer’, as defined in the Whistleblowers Protection Act 1993, who engaged with or was engaged by the investigation into the Burnside Council by Mr. MacPherson, acted appropriately and in accord with relevant professional codes; and
      (f) any other relevant matter.
   III. That in terms of section 14(3) of the Ombudsman’s Act, this Council resolves that the administrative acts covered by this resolution warrant investigation by the Ombudsman despite the passage of time.
   IV. Notwithstanding that these terms of reference relate to matters since the 2006 election the Ombudsman is able to collect evidence that is relevant to these terms of reference that may have occurred prior to the 2006 election - (July 29) - (The Hon. P. Holloway).

23. Adjourned debate on motion of the Hon. T. A. Franks - That this Council calls on the Government to -
   I. Condemn the appalling cruelty that was demonstrated in the Indonesian abattoirs and shown on the recent and previous ABC Four Corners programs on live animal exports;
   II. Act in a timely and appropriate manner to endorse the Australian Government’s suspension of the live export cattle trade to Indonesia;

*Received from House of Assembly.
III. Act to ensure South Australia acts independently to cease all live exports from Port Adelaide of sheep and any other animal for slaughter to Indonesia and other markets, particularly the Middle East; and

IV. Provide this Council with details of-
   (a) what steps are being taken to assist local meat processing facilities to deal with an expansion in local slaughter to replace previously live exported animals with chilled and frozen products;
   (b) what steps are being undertaken to encourage value-adding of locally processed products; and
   (c) what the Government is doing to assist farmers to restructure their operations to replace live exports - (June 22) - (The Hon. R. P. Wortley).


25. Graffiti Control (Miscellaneous) Amendment Bill (No. 110): adjourned debate on second reading - (June 22) - (The Hon. I. K. Hunter).


28. Adjourned debate on motion of the Hon. M. C. Parnell - That this Council notes -
   I. The escalating use of Private Finance Initiatives, including private-public partnerships, to fund major new public capital investment, including school upgrades, the Port Stanvac desalination plant and the new Royal Adelaide Hospital;
   II. The privatisation of public assets in the State’s South East through the forward sale of timber harvesting; and
   III. That this privatisation by stealth is in clear breach of the “no privatisation” rhetoric of the Premier and other Members of his Government;

and calls on the Government to initiate an independent review to compare the financial performance of Private Finance Initiatives with alternative public infrastructure financing methods - (May 18) - (The Hon. I. K. Hunter).

29. Adjourned debate on motion of the Hon. M. C. Parnell - That this Council calls on the State Government to -
   I. Responsibly plan for a future time when our State’s non-renewable mineral resources run out; and
   II. Investigate models for the creation of a Sovereign Wealth Fund to ensure our long term prosperity - (May 18) - (The Hon. T. J. Stephens).

30. Adjourned debate on motion of the Hon. J. A. Darley - That this Council calls on the Minister for Environment and Conservation to exercise his discretion, pursuant to section 80 of the Natural Resources Management Act 2004 and not adopt the draft Western Mount Lofty Ranges Water Allocation Plan and the draft Eastern Mount Lofty Ranges Water Allocation Plan - (May 4) - (The Hon. I. K. Hunter).


32. The Hon. R. P. Wortley to move - That By-law No. 2 of the District Council of Peterborough concerning Moveable Signs, made on 20 December 2010 and laid on the Table of this Council on 10 February 2011, be disallowed.

33. Adjourned debate on motion of the Hon. T. A. Franks - That the Environment, Resources and Development Committee inquire into and report on duck and quail shooting in South Australia with particular reference to -
I. The extent of the practice and statistical information about -
   (a) the prevalence of kills and wounding of targeted animals;
   (b) the prevalence of kills and wounding of non-targeted animals; and
   (c) the prevalence of kills and wounding of protected or endangered species;
II. Whether the declaration of an open season for duck shooting contravenes the Animal Welfare Act 1985;
III. Whether strong community support exists for abolition or continuation of open seasons for duck and quail shooting; and
IV. Any other related matters - (March 9) - (The Hon. C. Zollo).

34. Marriage Equality Bill (No. 73): adjourned debate on second reading - (February 9, 23) - (The Hon. J. M. Gazzola).

35. Adjourned debate on motion of the Hon. J.M.A. Lensink - That this Council condemns the Labor Government’s mismanagement of the Mount Barker Development Plan Amendment - (February 9) - (The Hon. C. Zollo).

36. Adjourned debate on motion of the Hon. J.M.A. Lensink - That this Council calls on the Minister for Environment and Conservation to place an immediate moratorium on the imposition of the draft sanctuary zones contained within the Marine Parks’ outer boundaries for South Australia - (February 9, 23, March 23) - (The Hon. J. M. Gazzola).

37. Adjourned debate on motion of the Hon. T. A. Franks - That this Council -
   I. Notes the Labor Government’s December 2010 announcement of intent to transfer eating disorder beds from the Weight Disorder Unit, otherwise known as Ward 4G at Flinders Medical Centre, to other general medical and psychiatric facilities being the Margaret Tobin Centre and the Boylan Ward at the Women’s and Children’s Hospital;
   II. Notes the grave concerns expressed by eating disorders’ consumers, carers and advocacy groups that this move will significantly lower the quality and accessibility of care options for those suffering and recovering from eating disorders in South Australia;
   III. Welcomes the Minister for Health’s assurance that this move will now not proceed until after the latest review of Ward 4G is completed; and
   IV. Urges the Minister to work towards an outcome that utilises this opportunity to ensure that future care for those suffering from eating disorders adopts a State-wide approach for a continuum of care that is world class, holistic and accessible to both adult and adolescent sufferers -
To which the Hon. A. M. Bressington moved to amend by leaving out paragraphs III and IV and inserting new paragraphs as follow:
   “III. Welcomes the Minister for Health’s 2011 reassessment of the original decision on the proposed move of Ward 4G to the Margaret Tobin Centre and the Boylan Ward at the Women’s and Children’s Hospital;
   IV. Welcomes the Minister’s review of eating disorders services, the plan for statewide services proposed by it and the allocation of additional funding;
   V. Notes the concern of consumers and clinicians at the proposed model’s transition from acute care to community care, in particular, the lack of a dedicated tertiary hospital bed-based unit to support recovery to a medically stable condition;
   VI. Urges the Minister to retain a dedicated hospital inpatient unit without placing sufferers of eating disorders on a general medical ward for the duration of their hospital treatment and to ensure that consumers receive comparable care within the community residential treatment facility, with sufficient safeguards to monitor deterioration in their condition; and
   VII. Calls on the Government to develop an implementation plan which -
   (a) rolls out the range of proposed community services;
   (b) further reviews the structure and function of the current tertiary hospital bed-based unit as clear data relating to the impact of the new services becomes available; and
   (c) engages state and national expert review panels to oversee implementation of the proposed statewide plan outlined in the report in both the immediate and longer terms.”.
Question - That paragraphs III and IV stand part of the motion - (February 9, July 29) - (The Hon. I. K. Hunter).
38. Children’s Protection (Lawful Surrender of Newborn Child) Amendment Bill (No. 74): adjourned debate on second reading - (February 9, April 6) - (The Hon. C. Zollo)².


40. 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.


42. Parliamentary Remuneration (Basic Salary Determinations) Amendment Bill (No. 71): adjourned debate on second reading - (November 24) - (The Hon. M. C. Parnell)⁷.

43. Road Traffic (Owner Offences) Amendment Bill (No. 57): adjourned debate on second reading - (November 10) - (The Hon. J. M. Gazzola)²⁰.

44. Local Government (Miscellaneous) Amendment Bill (No. 58): adjourned debate on second reading - (November 10) - (The Hon. J. M. Gazzola)²⁰.


46. Workers Rehabilitation and Compensation (Reinstatement of Entitlements) Amendment Bill (No. 60): adjourned debate on second reading - (November 10) - (The Hon. R. P. Wortley)²⁰.

47. Adjourned debate on motion of the Hon. R. L. Brokenshire - 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 - (November 24) - (The Hon. R. L. Brokenshire).

48. 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.

49. 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).

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


52. 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).


55. 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).

57. 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).

58. 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.

59. 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).

60. 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).


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

63. Disability (Mandatory Reporting) Bill (No. 32): adjourned debate on second reading - (July 21, October 27) - (The Hon. B. V. Finnigan)⁸.

64. Electoral (Voting Age) Amendment Bill (No. 33): adjourned debate on second reading - (July 21) - (The Hon. C. Zollo)⁶.

65. 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)⁴.

66. 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).

67. 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).

68. 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).


70. Independent Commission Against Corruption Bill (No. 4): in Committee^1.
71. Independent Commission Against Corruption Bill (No. 5): adjourned debate on second reading - (May 12) - (The Hon. T. J. Stephens)².

72. Subordinate Legislation (Miscellaneous) Amendment Bill (No. 6): adjourned debate on second reading - (May 12, April 6) - (The Hon. P. Holloway)².

73. Environment Protection (Right to Farm) Amendment Bill (No. 8): adjourned debate on second reading - (May 12) - (The Hon. T. J. Stephens)².

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

75. Electoral (Voting) Amendment Bill (No. 14): adjourned debate on second reading - (May 26, June 22) - (The Hon. J. M. Gazzola)².

76. 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).

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WEDNESDAY 23 NOVEMBER 2011

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. Select Committee on Disability Services Funding: Report to be brought up.

4. Select Committee on Lonsdale-based Adelaide Desalination Plant: Report to be brought up.

5. Select Committee on Department of Correctional Services: Report to be brought up.

6. Select Committee on Harvesting Rights in Forestry SA Plantation Estates: Report to be brought up.

7. Select Committee on Marine Parks in South Australia: Report to be brought up.

8. Select Committee on The Inquiry into the Corporation of the City of Burnside: 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 Regional 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.

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
11Hon. J. A. Darley
12Hon. I. K. Hunter