



LEGISLATIVE COUNCIL

OF

SOUTH AUSTRALIA

STATISTICS

**THIRD SESSION OF THE
FIFTY-FIRST PARLIAMENT**

10 September 2008 to 17 December 2009

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MEMBERS OF THE LEGISLATIVE COUNCIL

The Hon. ROBERT KENNETH SNEATH
(President of the Legislative Council)

The Hon. ANN MARIE BRESSINGTON

The Hon. ROBERT LAWRENCE BROKENSHERE, J.P.

The Hon. JOHN ANDREW DARLEY, J.P.

The Hon. JOHN SAMUEL LETTS DAWKINS, A.D.F.M.

The Hon. BERNARD VINCENT FINNIGAN, B.A.

The Hon. GAIL ELIZABETH GAGO
(Minister for State/Local Government Relations;
Minister for Status of Women;
Minister for Consumer Affairs
Minister for Government Enterprises
Minister assisting the Minister for Transport, Infrastructure and Energy)

The Hon. JOHN MARIO GAZZOLA

The Hon. PAUL HOLLOWAY, B.Sc., B.E.(Hons.), B.Ec.
(Minister for Mineral Resources Development;
Minister for Urban Development and Planning
Minister for Small Business)

The Hon. DENNIS GARRY EDWARD HOOD, B.Ec., B.A.(Hons.)

The Hon. IAN KEITH HUNTER, B.Sc.(Hons.)

The Hon. SANDRA MYRTHO KANCK, Dip.T. (Resigned 30 January 2009)

The Hon. ROBERT DAVID LAWSON, Q.C., R.F.D., B.A., LL.B.

The Hon. JACQUELINE MICHELLE ANN LENSINK, B.App.Sc. (Physiotherapy), M.B.A.

The Hon. ROBERT IVAN LUCAS, B.Sc., B.Ec., M.B.A.

The Hon. MARK CHARLES PARNELL, LL.B., B.Comm., M.R.U.P.

The Hon. DAVID WICKHAM RIDGWAY
(Leader of the Opposition, Legislative Council)

The Hon. CAROLINE VERONICA SCHAEFER

The Hon. TERENCE JOHN STEPHENS

The Hon. STEPHEN GRAHAM WADE, LL.B., B.Ec., F.A.I.C.D.

The Hon. DAVID NICHOLAS WINDERLICH (Elected 17 February 2009)

The Hon. RUSSELL PAUL WORTLEY

The Hon. CARMEL ZOLLO

OFFICERS OF THE LEGISLATIVE COUNCIL

<i>PRESIDENT</i>	The Hon. Robert Kenneth SNEATH, M.L.C.
<i>THE CLERK OF THE COUNCIL</i>	Mrs. Janice M. DAVIS, A.M., B.A.(Juris.), J.P.
<i>THE DEPUTY CLERK AND USHER OF THE BLACK ROD</i>	Mr. Christopher D. SCHWARZ, B.A.(Comm.), Grad.Dip.Soc.Sc. (Pol.Admin.)
<i>THE CLERK-ASSISTANT</i>	Mr. Guy D. DICKSON, B.A., Grad.Dip.Info.St.
<i>PARLIAMENTARY OFFICER</i>	Mr. Christopher C. NEALE, B.A. Grad.Dip.
<i>PARLIAMENTARY OFFICER</i>	Mr. Anthony D. BEASLEY, B.Sc., Grad.Dip.

**COMMITTEES APPOINTED UNDER
PARLIAMENTARY COMMITTEES ACT 1991
INCLUSIVE OF LEGISLATIVE COUNCIL MEMBERS**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Appointed 2 May 2006

The Hon. JMA Lensink MLC
The Hon M C Parnell MLC
The Hon R P Wortley MLC

Ms L R Breuer MP
The Hon R B Such MP
Mr I Venning MP

Committee Secretary: Mr. P. Frensham

LEGISLATIVE REVIEW COMMITTEE

Appointed 2 May 2006

The Hon J A Darley MLC
The Hon J M Gazzola MLC
The Hon R D Lawson MLC

The Hon I F Evans MP*
Mrs R K Geraghty MP
Mr T R Kenyon MP

*Appointed 8 September 2009
Committee Secretary: Ms. L. Guy, LL.B.

SOCIAL DEVELOPMENT COMMITTEE

Appointed 2 May 2006

The Hon DGE Hood MLC
The Hon I K Hunter MLC
The Hon S G Wade MLC

Mr A S Pederick MP
Ms L A Simmons MP
The Hon P L White MP

Committee Secretary: Ms. R. Schutte, B.A., Grad.Dip.Bus.Admin.

STATUTORY AUTHORITIES REVIEW COMMITTEE

Appointed 2 May 2006

The Hon A M Bressington MLC
The Hon I K Hunter MLC
The Hon R I Lucas MLC*

The Hon T J Stephens MLC
The Hon C Zollo MLC*

*Appointed 25 March 2009
Committee Secretary: Mr. G. Hickery, B.Ec.

OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION COMMITTEE

Appointed 2 May 2006

The Hon J A Darley MLC
The Hon B V Finnigan MLC
The Hon T G Stephens MLC

Mr T R Kenyon MP
Mr D G Pisoni MP
The Hon L Stephens MP

Committee Secretary: Mr. R. Crump, B.Sc.(Phys.Ed.), LL.B.

STATUTORY OFFICERS COMMITTEE

Appointed 2 May 2006

The Hon P Holloway MLC (Minister for
Mineral Resources Development)
The Hon J A Darley MLC**
The Hon R D Lawson MLC

The Hon M J Atkinson MP (Attorney-General)
Mrs I Redmond MP*
Ms L A Simmons MP

*Appointed 13 November 2008

**Appointed 4 March 2009

Committee Secretary: Mr. C. D. Schwarz, B.A.(Comm.), Grad.Dip.Soc.Sc.(Pol.Admin.)

NATURAL RESOURCES COMMITTEE

Appointed 2 May 2006

The Hon C V Schaefer MLC
The Hon D N Winderlich MLC*
The Hon R P Wortley MLC

The Hon G M Gunn MP
The Hon S W Key MP
Mr J R Rau MP
The Hon L Stevens MP

*Appointed 17 February 2009

Committee Secretary: Mr. K. Cudarans, B.Bus.

COMMITTEE APPOINTED UNDER ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE ACT 2003

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

Appointed 2 May 2006

The Hon R L Brokenshire MLC
The Hon J M Gazzola MLC
The Hon T J Stephens MLC

The Hon J Weatherill MP (Minister for Aboriginal
Affairs and Reconciliation)
Ms L R Breuer MP
Dr D McFetridge MP
The Hon L Stevens MP

Executive/Research Officer: Mr. T. Sparrow, B.A.(Juris.), LL.B.

JOINT COMMITTEE

JOINT PARLIAMENTARY SERVICE COMMITTEE

Appointed 2 May 2006

The President (The Hon R K Sneath MLC)
The Hon JSL Dawkins MLC
The Hon J M Gazzola MLC

The Speaker (The Hon J J Snelling MP)
Mrs R K Geraghty MP
The Hon G M Gunn MP

SESSIONAL COMMITTEES

STANDING ORDERS COMMITTEE

Appointed 24 April 2007

The President (The Hon R K Sneath MLC)
The Hon J M Gazzola MLC
The Hon P Holloway MLC (Minister for
Mineral Resources Development)

The Hon R I Lucas MLC
The Hon D W Ridgway MLC

PRINTING COMMITTEE

Appointed 24 April 2007

The Hon J M Gazzola MLC
The Hon I K Hunter MLC
The Hon C V Schaefer MLC

The Hon T J Stephens MLC
The Hon R P Wortley MLC

SELECT COMMITTEES

ALLEGEDLY UNLAWFUL PRACTICES RAISED IN THE AUDITOR-GENERAL'S ANNUAL REPORT, 2003-2004

Appointed 7 June 2006

The Hon J A Darley MLC
The Hon B V Finnigan MLC
The Hon R I Lucas MLC

The Hon D W Ridgway MLC
The Hon R P Wortley MLC

ATKINSON/ASHBOURNE/CLARKE AFFAIR

Appointed 7 June 2006

The Hon B V Finnigan MLC
The Hon S M Kanck MLC
The Hon R D Lawson MLC

The Hon R I Lucas MLC
The Hon R P Wortley MLC

CERTAIN MATTERS RELATING TO HORSE RACING IN SOUTH AUSTRALIA

Appointed 29 April 2009

The Hon R L Brokenshire
The Hon J A Darley MLC
The Hon R D Lawson MLC

The Hon R K Sneath MLC
The Hon T J Stephens MLC
The Hon R P Wortley MLC

COLLECTION OF PROPERTY TAXES BY STATE AND LOCAL GOVERNMENT, INCLUDING SEWERAGE CHARGES BY SA WATER

Appointed 31 May 2006

The Hon J A Darley MLC
The Hon B V Finnigan MLC
The Hon I K Hunter MLC

The Hon R I Lucas MLC
The Hon S G Wade MLC

FAMILIES SA

Appointed 14 March 2007

The Hon A M Bressington MLC
The Hon R L Brokenshire MLC

The Hon R D Lawson MLC
The Hon C V Schaefer MLC

Reported 17 November 2009

IMPACT OF PEAK OIL ON SOUTH AUSTRALIA

Appointed 9 April 2008

The Hon S M Kanck MLC
The Hon JMA Lensink MLC

The Hon R P Wortley MLC

Reported 25 November 2008

PROPOSED SALE AND REDEVELOPMENT OF THE GLENSIDE HOSPITAL SITE

Appointed 2 April 2008

The Hon JSL Dawkins MLC
The Hon B V Finnigan MLC
The Hon I K Hunter MLC

The Hon S M Kanck MLC
The Hon JMA Lensink MLC

Reported 3 February 2009

SA WATER

Appointed 26 September 2007

The Hon A M Bressington MLC
The Hon J A Darley MLC*
The Hon I K Hunter MLC
The Hon R D Lawson MLC**

The Hon M C Parnell MLC
The Hon S G Wade MLC
The Hon R P Wortley MLC

*Appointed 23 September 2008

**Appointed 19 February 2009

Reported 1 December 2009

STAFFING, RESOURCING AND EFFICIENCY OF SOUTH AUSTRALIA POLICE

Appointed 7 May 2008

The Hon A M Bressington MLC
The Hon J A Darley MLC
The Hon D W Ridgway MLC

The Hon T J Stephens MLC
The Hon R P Wortley MLC

Reported 1 December 2009

TAX-PAYER FUNDED GOVERNMENT ADVERTISING CAMPAIGNS

Appointed 25 March 2009

The Hon I K Hunter MLC
The Hon JMA Lensink MLC
The Hon R I Lucas MLC

The Hon M C Parnell MLC
The Hon C Zollo MLC

Reported 1 December 2009

TAXI INDUSTRY IN SOUTH AUSTRALIA

Appointed 25 March 2009

The Hon R L Brokenshire MLC
The Hon J A Darley MLC
The Hon JSL Dawkins MLC

The Hon B V Finnigan MLC
The Hon J M Gazzola MLC
The Hon R D Lawson MLC

Reported 1 December 2009

COMMITTEE APPOINTED PURSUANT TO RESOLUTION OF THE COUNCIL

BUDGET AND FINANCE

Appointed 28 March 2007

The Hon R L Brokenshire MLC*
The Hon B V Finnigan MLC
The Hon R I Lucas MLC

The Hon C V Schaefer MLC
The Hon R P Wortley MLC

*Appointed 4 February 2009

**THIRD SESSION OF THE FIFTY-FIRST PARLIAMENT
PERIOD FROM 10 SEPTEMBER 2008 TO 17 DECEMBER 2009**

TOTAL NUMBER OF BILLS CONSIDERED BY LEGISLATIVE COUNCIL

Legislative Council origin	78
House of Assembly origin	78
Bills restored in Legislative Council -	
Legislative Council origin:	
Bail (Discretion) Amendment	1 1
House of Assembly origin:	
Child Sex Offenders Registration (Registration of Internet Activities) Amendment	1
Civil Liability (Charitable Donations) Amendment	1
Classification (Publications, Films and Computer Games) (Classification Process) Amendment	1
Statutes Amendment and Repeal (Taxation Administration)	1
Summary Offences (Indecent Filming) Amendment	1 5
Bills restored in House of Assembly -	
Legislative Council origin:	
Statutes Amendment (Surrogacy)	1 1
House of Assembly origin:	
Psychological Practice	1 1
	<u>8</u>
	164

TOTAL NUMBER OF BILLS PASSED BY BOTH HOUSES

Legislative Council origin	20
Bills Restored	1
House of Assembly origin	75
Bills Restored	5
	<u>101</u>

BILLS CONSIDERED BY COUNCIL WHICH HAVE NOT PASSED BOTH HOUSES

Legislative Council origin:

- Administrative Decisions (Effect of International Instruments) Act Repeal - lapsed in Council.
- Adoption (Restrictions on Publication) Amendment - lapsed in Council.
- Births, Deaths and Marriages (Change of Name) Amendment - lapsed in Council.
- Building and Construction Industry Security of Payment - lapsed in Council.
- Children's Protection (Harbouring) Amendment - lapsed in Council.
- Consent to Medical Treatment and Palliative Care (Parental Consent) Amendment - lapsed in Council.
- Consent to Medical Treatment and Palliative Care (Voluntary Euthanasia) Amendment - negated in Council.
- Constitution (Fixed Session Preceding Election) Amendment - lapsed in House of Assembly.
- Consumer Credit (South Australia) (Pay Day Lending) Amendment - lapsed in Council.
- Controlled Substances (Palliative Use of Cannabis) Amendment - negated in Council.
- Controlled Substances (Simple Possession Offences) Amendment - lapsed in Council.
- Coroners (Recommendations) Amendment - lapsed in House of Assembly.
- Criminal Law Consolidation (Aggravated Offences) Amendment - lapsed in Council.
- Criminal Law (Sentencing) (Victims of Crime) Amendment - lapsed in Council.
- Development (Major Developments) Amendment - negated in Council.
- Development (Water Harvesting) - lapsed in Council.
- Education (Ombudsman and School Discipline) Amendment - lapsed in Council.
- Electoral (Cost of By-elections) Amendment - lapsed in Council.
- Electricity (Compensation for Blackouts) Amendment - negated in Council.
- Electricity (Electricity Supply Industry Planning Council) Amendment - lapsed in Council.

Electricity (Feed-In Rates) Amendment - negated in House of Assembly.
Environment Protection (Pulp Mills) Amendment - lapsed in Council.
Environment Protection (Right to Farm) Amendment - lapsed in House of Assembly.
Environment Protection (Testing, Monitoring and Auditing) Amendment - lapsed in Council.
Evidence (Propensity Evidence) Amendment - lapsed in Council.
Fair Work (Powers of Entry and Inspection) Amendment - lapsed in Council.
Freedom of Information (Victimisation and Interference) Amendment - lapsed in Council.
Genetically Modified Crops Management (Right to Damages) Amendment - lapsed in Council.
Health Care (Country Health) Amendment - lapsed in House of Assembly.
Independent Commission Against Corruption - lapsed in House of Assembly.
Independent Commission Against Crime and Corruption - negated in Council.
Local Government (Miscellaneous) Amendment - lapsed in House of Assembly.
Local Government (Notice of Meetings) Amendment - lapsed in Council.
Local Government (Stormwater Harvesting) Amendment - lapsed in Council.
Local Government (Waste Collection) Amendment - lapsed in House of Assembly.
Mining (Miscellaneous) Amendment - lapsed in Council.
National Parks and Wildlife (Arkaroola-Mt. Painter Sanctuary Mining Prohibition) Amendment - lapsed in Council.
National Parks and Wildlife (Ban on Hunting Protected Animals) Amendment - negated in Council.
Natural Resources Management (Water Harvesting) - lapsed in Council.
Parliamentary Remuneration (Basic Salary Determinations) Amendment - lapsed in Council.
Passenger Transport (Driver Accreditation) Amendment - lapsed in Council.
Regulating Government Publicity - lapsed in Council.
Right of Assembly - lapsed in Council.
Roxby Downs (Indenture Ratification) (Olympic Dam Expansion) Amendment - withdrawn in Council.
Serious and Organised Crime (Control) (Close Personal Associates) Amendment - withdrawn in Council.
Serious and Organised Crime (Control) (Miscellaneous) Amendment - lapsed in Council.
Statutes Amendment (Assaults on Police) - lapsed in Council.
Statutes Amendment (Location of Gaming Venues) - lapsed in Council.
Statutes Amendment (Play Tracking Technology) - lapsed in Council.
Subordinate Legislation (Miscellaneous) Amendment - lapsed in House of Assembly.
Summary Offences (Piercing and Scarification) Amendment - lapsed in House of Assembly.
Victims of Abuse in State Care (Compensation) - Bill laid aside in Council.
Victims of Abuse in State Care (Compensation) - lapsed in House of Assembly.
Victims of Crime (Abuse in State Care) Amendment - lapsed in House of Assembly.
Whistleblowers Protection (Miscellaneous) Amendment - lapsed in Council.
Willunga Basin Protection - lapsed in House of Assembly.
Workers Rehabilitation and Compensation (Changes to Scheme Review Provisions) Amendment - negated in Council.
Workers Rehabilitation and Compensation (Income Maintenance) Amendment - negated in Council.

Restored Bill in Legislative Council:

Bail (Discretion) Amendment - lapsed in Council.

House of Assembly origin:

Constitution (Reform of Legislative Council and Settlement of Deadlocks on Legislation) Amendment - negated in Council.
Native Vegetation (Miscellaneous) Amendment - lapsed in Council.
Referendum (Reform of Legislative Council and Settlement of Deadlocks on Legislation) - withdrawn in Council.

Restored Bill in House of Assembly:

Psychological Practice - lapsed in House of Assembly.

SITTINGS OF COUNCIL

The Council met on 67 days and sat for a total number of 449 hours 58 minutes.

THIRD SESSION OF THE FIFTY-FIRST PARLIAMENT
LIST OF BILLS WHICH PASSED BOTH HOUSES OF PARLIAMENT
DURING THE PERIOD FROM 10 SEPTEMBER 2008 TO 17 DECEMBER 2009

ORIGINATED IN THE LEGISLATIVE COUNCIL

	Bill No.	Act No.
Architectural Practice	45, 45A	16 of 2009
Classification (Publications, Films and Computer Games) (R 18+ Films) Amendment	90	67 of 2009
Development (Planning and Development Review) Amendment	36	1 of 2009
Development (Regulated Trees) Amendment	112, 112A	56 of 2009
Equal Opportunity (Miscellaneous)	43, 43A	34 of 2009
Fair Trading (Telemarketing) Amendment	48	15 of 2009
Liquor Licensing (Producers, Responsible Service and Other Matters) Amendment	118, 118A	61 of 2009
Local Government (Accountability Framework) Amendment	120, 120A	81 of 2009
Local Government (Elections) (Miscellaneous) Amendment	114, 114A	50 of 2009
Outback Communities (Administration and Management)	83, 83A	75 of 2009
Petroleum (Miscellaneous) Amendment	91	35 of 2009
River Torrens Linear Park (Linear Parks) Amendment	96, 96A	80 of 2009
Second-hand Vehicle Dealers (Cooling-off rights) Amendment	100, 100A	62 of 2009
Statutes Amendment (Betting Operations)	38	47 of 2008
Statutes Amendment (Council Allowances)	115, 115A	66 of 2009
Statutes Amendment (Power to Bar) Amendment	27, 27A	48 of 2008
Statutes Amendment (Surrogacy) Amendment	160	64 of 2009
Statutes Amendment (Transport Portfolio - Alcohol and Drugs)	37, 37A	8 of 2009
Statutes Amendment and Repeal (Fair Trading)	44, 44A	39 of 2009
Statutes Amendment and Repeal (Trade Measurement)	131	82 of 2009
Valuation of Land (Miscellaneous) Amendment	53	76 of 2009

ORIGINATED IN THE HOUSE OF ASSEMBLY

	Bill No.	Act No.
Administration and Probate (Distribution on Intestacy) Amendment	57	6 of 2009
Anangu Pitjantjatjara Yankunytjatjara Land Rights (Mintabie) Amendment	161	83 of 2009
Appropriation	113	36 of 2009
Authorised Betting Operations (Trade Practices Exemption) Amendment	82	17 of 2009
Bail (Arson) Amendment	159	73 of 2009
Building and Construction Industry Security of Payment	154, 154A	77 of 2009
Child Sex Offenders Registration (Registration of Internet Activities) Amendment	46, 46A	10 of 2009
Children's Protection (Implementation of Report Recommendations) Amendment	144, 144A	65 of 2009
Civil Liability (Food Donors and Distributors) Amendment	2, 2A	51 of 2009
Classification (Publications, Films and Computer Games) (Classification Process) Amendment	1, 1A	39 of 2008
Commonwealth Powers (De Facto Relationships)	164	86 of 2009
Constitution (Appointments)	156	55 of 2009
Correctional Services (Miscellaneous) Amendment	145, 145A	63 of 2009

	Bill No.	Act No.
Criminal Investigation (Covert Operations)	41	7 of 2009
Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) (Miscellaneous) Amendment	149	74 of 2009
Cross-border Justice	75	18 of 2009
Crown Land Management	68, 68A	20 of 2009
Development (Control of External Painting) Amendment	58	68 of 2009
Electoral (Miscellaneous) Amendment	106, 106A, 106B	48 of 2009
Fair Work (Commonwealth Powers)	137	57 of 2009
Fire and Emergency Services (Review) Amendment	119, 119A	44 of 2009
First Home Owner Grant (Special Eligible Transactions) Amendment	142	53 of 2009
Gene Technology (Miscellaneous) Amendment	18	46 of 2008
Harbors and Navigation (Miscellaneous) Amendment	117, 117A	42 of 2009
Hydroponics Industry Control	133	49 of 2009
Intervention Orders (Prevention of Abuse)	148, 148A	85 of 2009
Irrigation	78	13 of 2009
Kapunda Hospital (Variation of Trust)	55	5 of 2009
Long Service Leave (Unpaid Leave)	23	40 of 2008
Magistrates Court (Special Justices) Amendment	150	69 of 2009
Maralinga Tjarutja Land Rights (Miscellaneous) Amendment	155	59 of 2009
Maritime Services (Access) (Miscellaneous) Amendment	93	21 of 2009
Mental Health	66, 66A	28 of 2009
Motor Vehicles (Miscellaneous) Amendment	102	26 of 2009
Motor Vehicles (Miscellaneous No. 2) Amendment	152, 152A	71 of 2009
Mount Gambier Hospital Hydrotherapy Pool Fund	51, 51A	9 of 2009
Murray-Darling Basin	25	41 of 2008
National Electricity (South Australia) (National Electricity Law - Australian Energy Market Operator) Amendment	109	31 of 2009
National Electricity (South Australia) (Smart Meters) Amendment	136	54 of 2009
National Gas (South Australia) (National Gas Law - Australian Energy Market Operator) Amendment	108	30 of 2009
National Gas (South Australia) (Short Term Trading Market) Amendment	123	46 of 2009
Nursing and Midwifery Practice	26, 26A	50 of 2008
Partnership (Venture Capital) Amendment	33	44 of 2008
Payroll Tax	88	22 of 2009
Personal Property Securities (Commonwealth Powers)	134	47 of 2009
Petroleum Products Subsidy Act Repeal	94	23 of 2009
Plant Health	40	2 of 2009
Plastic Shopping Bags (Waste Avoidance)	28	45 of 2008
Public Sector	65, 65A	37 of 2009
Public Sector Management (Consequential) Amendment	67	38 of 2009
Rail Commissioner	135	51 of 2009
Renmark Irrigation Trust	79	14 of 2009
Reproductive Technology (Clinical Practices) (Miscellaneous) Amendment	74, 74A	43 of 2009
Road Traffic (Miscellaneous) Amendment	95, 95A	41 of 2009
Serious and Organised Crime (Unexplained Wealth)	132, 132A	60 of 2009
South Australian Country Arts Trust (Constitution of Trust) Amendment	39	3 of 2009
Southern State Superannuation	92	27 of 2009
Spent Convictions (No 2)	151	72 of 2009
Stamp Duties (Tax Reform) Amendment	89	24 of 2009
Standard Time	54	4 of 2009
Statutes Amendment (Australian Energy Market Operator)	107	32 of 2009
Statutes Amendment (Bulk Goods)	42	49 of 2008
Statutes Amendment (Children's Protection)	143, 143A	78 of 2009
Statutes Amendment (Electricity and Gas - Information Management and Retailer of Last Resort)	122	45 of 2009
Statutes Amendment (Energy Efficiency Shortfalls)	76, 76A	19 of 2009
Statutes Amendment (National Industrial Relations System)	138	58 of 2009
Statutes Amendment (Prohibition of Human Cloning for Reproduction and Regulation of Research Involving Human Embryos)	32	11 of 2009

	Bill No.	Act No.
Statutes Amendment (Property Offences)	116	40 of 2009
Statutes Amendment (Public Health Incidents and Emergencies)	97, 97A	29 of 2009
Statutes Amendment (Public Sector Consequential Amendments)	153	84 of 2009
Statutes Amendment (Recidivist Young Offenders and Youth Parole Board)	121, 121A	52 of 2009
Statutes Amendment (Victims of Crime)	56, 56A	79 of 2009
Statutes Amendment and Repeal (Taxation Administration)	3	38 of 2008
Summary Offences (Indecent Filming) Amendment	4, 4A	42 of 2008
Supply	87	25 of 2009
Survey (Funding and Promotion of Surveying Qualifications) Amendment	77	12 of 2009
University of South Australia (Miscellaneous) Amendment	50	52 of 2008
Upper South East Dryland Salinity and Flood Management (Extension of Project) Amendment	157	70 of 2009
Water (Commonwealth Powers)	24, 24A	43 of 2008
Waterworks (Rates) Amendment	101, 101A	33 of 2009

Title of Bill	No. of Amendments made by L.C.	No. of Amendments made by H.A.	No. of H.A. Amendments agreed to by L.C.	No. of H.A. Amendments disagreed to by L.C.	No. of Amendments not insisted on by H.A.	No. of Amendments insisted on by H.A.	Conference/ Resolution
Statutes Amendment (Surrogacy)	-	28	28	-	-	-	-
Statutes Amendment (Transport Portfolio- Alcohol and Drugs)	6	-	-	-	-	-	-
Statutes Amendment and Repeal (Fair Trading)	9	1	1	-	-	-	-
Summary Offences (Piercing and Scarification) Amendment	1	-	-	-	-	-	-

LIST OF HOUSE OF ASSEMBLY BILLS AMENDED BY LEGISLATIVE COUNCIL

(From 10 September 2008 to 17 December 2009)

Title of Bill	No. of Amendments made by L.C.	No. of Amendments agreed to by H.A.	No. of Amendments disagreed to by H.A.	No. of Amendments not insisted on by L.C.	No. of Amendments insisted on by L.C.	Conference/ Resolution
Building and Construction Industry Security of Payment	11	11	-	-	-	-
Children's Protection (Implementation of Report Recommendations) Amendment	4	4	-	-	-	-
Child Sex Offenders Registration (Registration of Internet Activities) Amendment	2	2	-	-	-	-
Civil Liability (Food Donors and Distributors) Amendment	3	-	3	3	-	-
Classification (Publications, Films and Computer Games) (Classification Process) Amendment	8	8	-	-	-	-
Correctional Services (Miscellaneous) Amendment	7	6	1	1	-	-
Crown Land Management	1	1	-	-	-	-
Electoral (Miscellaneous) Amendment	19	19	-	-	-	-
Fire and Emergency Services (Review) Amendment	12	11	1	1	-	-
Harbours and Navigation (Miscellaneous) Amendment	1	1	-	-	-	-
Intervention Orders (Prevention of Abuse)	14	14	-	-	-	-
Mental Health	29	27	1 agreed to with amendment and 1 disagreed to.	1 with amendment made by HA agreed to.	1 HA disagreement to amendment not insisted on	-

Title of Bill	No. of Amendments made by L.C.	No. of Amendments agreed to by H.A.	No. of Amendments disagreed to by H.A.	No. of Amendments not insisted on by L.C.	No. of Amendments insisted on by L.C.	Conference/ Resolution
Motor Vehicles (Miscellaneous No 2) Amendment	2	1	1 with alternative and consequential amendment	1 alternative amendment and consequential amendment agreed to.	-	-
Mount Gambier Hospital Hydrotherapy Pool Fund	26	26	-	-	-	-
Nursing and Midwifery Practice	1	1	-	-	-	-
Public Sector	20	13	7 1 with amendment to amendment and 1 with alternative amendment	5 and amendment to amendment and alternative amendment agreed to.	-	-
Reproductive Technology (Clinical Practices) (Miscellaneous) Amendment	3	3	-	-	-	-
Road Traffic (Miscellaneous) Amendment	1	-	1	1	-	-
Serious and Organised Crime (Unexplained Wealth)	19	19	-	-	-	-
Statutes Amendment (Children's Protection)	4	2	2 with an alternative amendment	2 and alternative amendment agreed to	-	-
Statutes Amendment (Energy Efficiency Shortfalls)	2	-	2	2 and alternative amendments made and agreed to by HA.	-	-
Statutes Amendment (Public Health Incidents and Emergencies)	4	4	-	-	-	-
Statutes Amendment (Recidivist Young Offenders and Youth Parole Board)	1	1	-	-	-	-
Statutes Amendment (Victims of Crime)	7	4	3	-	3	Conference - Agreement reached.
Summary Offences (Indecent Filming) Amendment	2	2	-	-	-	-

Title of Bill	No. of Amendments made by L.C.	No. of Amendments agreed to by H.A.	No. of Amendments disagreed to by H.A.	No. of Amendments not insisted on by L.C.	No. of Amendments insisted on by L.C.	Conference/ Resolution
Water (Commonwealth Powers)	2	-	2	2	-	-
Waterworks (Rates) Amendment	1	-	1	1 and alternative amendment made and agreed to by HA>		

LEGISLATIVE COUNCIL
THIRD SESSION OF THE FIFTY-FIRST PARLIAMENT
SUBSTANTIVE MOTIONS AND RESOLUTIONS

Only substantive motions are listed below and do not include procedural or formal motions.

ADDRESS-IN-REPLY - motion for adoption of -

Moved by The Hon R P Wortley, 11 September 2008.

Seconded by The Hon B V Finnigan, 11 September 2008.

Adopted and presented to His Excellency The Governor on 25 September 2008.

PRESIDENT OF THE LEGISLATIVE COUNCIL -

Rulings -

Contravention of Standing Orders Nos. 174 and 187 - Speaking more than once in debate and upon a bill not being then under discussion, 5 March 2009.

Contravention of Standing Order No. 190 - Reference to proceedings of a Select Committee before Committee has reported, 23 September 2009.

Victims of Abuse in State Care (Compensation) Bill - Ruled a Money Bill and laid aside, 25 March 2009.

Statements -

Death of Ms Ashley Marshall, former staff member of Parliamentary Counsel's Office, 3 December 2009.

Citizen's Right of Reply -

Dr David Caldicott, 26 November 2008.

Mr D Poupoulas, 2 December 2008.

CONDOLENCE MOTIONS -

Death of Flying Officer Michael Herbert -

Motion of regret moved by the Minister for Mineral Resources Development and carried in silence, 9 September 2009.

Death of John William Olsen -

Motion of regret moved by the Minister for Mineral Resources Development and carried in silence, 26 November 2008.

Death of The Hon Donald Hope Laidlaw -

Motion of regret moved by the Minister for Mineral Resources Development and carried in silence, 28 April 2009.

Victorian Bushfires -

Motion of regret moved by the Minister for Mineral Resources Development and carried in silence, 17 February 2009.

Death of John Carnie -

Motion of regret moved by the Minister for Mineral Resources Development and carried in silence, 23 September 2009.

GOVERNMENT MOTIONS -

Citizen's Right of Reply -

Moved by the Minister for Mineral Resources Development and agreed to, 11 September 2008.

Hon D N Winderlich - Welcome -

Moved by the Minister for Mineral Resources Development and agreed to, 18 February 2009.

National Parks and Wildlife Act 1972 - Governor's Proclamation -

Moved by the Minister for State/Local Government Relations and agreed to, 17 November 2009.

West Beach Recreation Reserve Act 1987 - Grant of Lease -

Moved by the Minister for Mineral Resources Development, 17 November 2009 and agreed to, 18 November 2009.

SELECT COMMITTEES - COUNCIL -

Allegedly Unlawful Practices raised in the Auditor-General's Annual Report, 2003-2004 -

Power to sit during the present Session - moved by The Hon B V Finnigan and agreed to, 10 September 2008.

Extension of time for bringing up Report - moved by The Hon B V Finnigan and agreed to, 26 November 2008, 17 June 2009.

Power to sit during recess - moved by The Hon B V Finnigan and agreed to, 18 November 2009.

Interim Report Tabled, 1 December 2009.

Interim Report be noted, moved by The Hon B V Finnigan, 2 December 2009. (Motion lapsed due to Prorogation)

Atkinson/Ashbourne/Clarke Affair -

Power to sit during the present Session - moved by The Hon R I Lucas and disagreed to, 10 September 2008.

To note the evidence and documents Tabled and express concerns with actions, moved by The Hon R D Lawson, 26 November 2008. (Motion lapsed due to Prorogation)

That Minutes of Evidence, documents and submissions to Committee be Tabled forthwith, moved by The Hon R D Lawson, 12 November 2008, and agreed to, 26 November 2008. President Tabled documents.

Budget and Finance Committee -

Power to sit during the present Session - moved by The Hon R I Lucas and agreed to, 10 September 2008.

Extension of time for bringing up Report - moved by The Hon R I Lucas and agreed to, 26 November 2008, 17 June 2009.

Power to sit during recess - moved by The Hon R I Lucas and agreed to, 18 November 2009.

Report, 2007-2008, be noted - moved by The Hon R I Lucas, 12 November 2008 and agreed to, 28 October 2009.

Report, 2008-2009, be noted - moved by The Hon R I Lucas, 28 October 2009. (Motion lapsed due to Prorogation).

Certain Matters Relating to Horse Racing in South Australia -

Moved by The Hon T J Stephens, 25 March 2009, amendments moved by The Hon R L Brokenshire and The Hon JSL Dawkins, 8 April 2009, amendments agreed to and motion, as amended, agreed to, 29 April 2009.

Extension of time for bringing up Report - moved by The Hon T J Stephens and agreed to, 17 June 2009.

Power to sit during recess - moved by The Hon T J Stephens and agreed to, 18 November 2009.

Interim Report Tabled, 1 December 2009.

Interim Report be noted, moved by The Hon T J Stephens, 2 December 2009. (Motion lapsed due to Prorogation)

Collection of Property Taxes by State and Local Government, including Sewerage Charges by SA Water -

Power to sit during the present Session - moved by The Hon R P Wortley and agreed to, 10 September 2008.

Extension of time for bringing up Report - moved by The Hon R P Wortley and agreed to, 26 November 2008, 17 June 2009.

Power to sit during recess - moved by The Hon R P Wortley and agreed to, 18 November 2009.

Interim Report Tabled, 1 December 2009.

Interim Report be noted, moved by The Hon I K Hunter, 2 December 2009. (Motion lapsed due to Prorogation)

Conduct by PIRSA in Fishing of Mud Cockles in Marine Scalefish and Lakes and Coorong Pipi Fisheries -

Moved by The Hon A M Bressington, 12 November 2008. Amendments moved by The Hon J A Darley, 26 November 2008 and The Hon C V Schaefer, 27 November 2008, amendments agreed and disagreed to, motion as amended agreed to, 27 November 2008.

Extension of time for bringing up Report - moved by The Hon JSL Dawkins and agreed to, 17 June 2009.

Report Tabled, 8 September 2009.

Report be noted, moved by The Hon JSL Dawkins, 9 September 2009 and agreed to, 23 September 2009.

Families SA -

Power to sit during the present Session - moved by The Hon C V Schaefer and agreed to, 10 September 2008.

Extension of time for bringing up Report - moved by The Hon C V Schaefer and agreed to, 26 November 2008, 17 June 2009.

Interim Report Tabled, 11 November 2009.

Interim Report be noted - moved by The Hon C V Schaefer, 12 November 2008 and agreed to, 3 June 2009.

Report Tabled, 17 November 2009.

Report be noted, moved by The Hon C V Schaefer, 18 November 2009 and agreed to, 3 December 2009.

Impact of Peak Oil on South Australia -

Power to sit during the present Session - moved by The Hon S M Kanck and agreed to, 10 September 2008.

Report Tabled, 25 November 2008.

Report be noted, moved by The Hon S M Kanck, 26 November 2008 and agreed to, 4 March 2009.

Proposed Sale and Redevelopment of the Glenside Hospital Site -

Power to sit during the present Session - moved by The Hon JSL Dawkins and agreed to, 10 September 2008.

Extension of time for bringing up Report - moved by The Hon JSL Dawkins and agreed to, 26 November 2008.

Interim Report Tabled, 11 September 2008.

Interim Report be noted, moved by The Hon JSL Dawkins, 24 September 2008 and agreed to, 12 November 2008.

Report Tabled, 3 February 2009.

Report be noted, moved by The Hon JSL Dawkins, 4 February 2009 and agreed to, 8 April 2009.

SA Water -

Power to sit during the present Session - moved by The Hon M C Parnell and agreed to, 10 September 2008.

Extension of time for bringing up Report - moved by The Hon M C Parnell and agreed to, 26 November 2008, 17 June 2009.

Power to sit during recess - moved by The Hon M C Parnell and agreed to, 18 November 2009.

Report Tabled, 1 December 2009.

Report be noted, moved by The Hon M C Parnell, 2 December 2009. (Motion lapsed due to Prorogation)

Staffing, Resourcing and Efficiency of South Australia Police -

Power to sit during the present Session - moved by The Hon D W Ridgway and agreed to, 10 September 2008.

Extension of time for bringing up Report - moved by The Hon D W Ridgway and agreed to, 26 November 2008, 17 June 2009.

Power to sit during recess - moved by The Hon D W Ridgway and agreed to, 18 November 2009.

Report Tabled, 1 December 2009.

Report be noted, moved by The Hon D W Ridgway, 2 December 2009. (Motion lapsed due to Prorogation)

Tax-Payer Funded Government Advertising Campaigns -

Moved by The Hon M C Parnell, 18 February 2009, and agreed to, 25 March 2009.

Extension of time for bringing up Report - moved by The Hon M C Parnell and agreed to, 17 June 2009.

Power to sit during recess - moved by The Hon M C Parnell and agreed to, 18 November 2009.

Report Tabled, 1 December 2009.

Report be noted, moved by The Hon M C Parnell, 2 December 2009. (Motion lapsed due to Prorogation)

Taxi Industry in South Australia -

Moved by The Hon R L Brokenshire, 18 February 2009, amendment moved by The Hon R D Lawson and motion as amended agreed to, 25 March 2009.

Extension of time for bringing up Report - moved by The Hon R L Brokenshire and agreed to, 17 June 2009.

Power to sit during recess - moved by The Hon R L Brokenshire and agreed to, 18 November 2009.

Report Tabled, 1 December 2009.

Report be noted, moved by The Hon R L Brokenshire, 2 December 2009. (Motion lapsed due to Prorogation)

MOTIONS FOR DISALLOWANCE OF REGULATIONS, RULES AND BY-LAWS -

Moved by Member on behalf of Legislative Review Committee -

Corporation of the City of Mitcham - By-law No. 8 - Vehicles -

Moved by The Hon J M Gazzola and agreed to, 3 June 2009.

Moved by Member on own behalf -

Development Act 1993 - Aquaculture -

Moved by The Hon M C Parnell, 13 May 2009. (Motion lapsed due to Prorogation)

Development Act 1993 - Commonwealth Nation Building Program -

Moved by The Hon M C Parnell, 8 April 2009 and disagreed to, 14 October 2009.

Development Act 1993 - Heated Water Services -

Moved by The Hon R D Lawson, 29 October 2008 and discharged, 3 June 2009.

Development Act 1993 - Schedule 10 (Variation) -

Moved by The Hon M C Parnell, 24 September 2008. (Motion lapsed due to Prorogation)

Firearms Act 1977 - Prescribed Firearms -

Moved by The Hon R L Brokenshire, and agreed to 2 December 2009.

Passenger Transport Act 1994 - General -

Moved by The Hon R D Lawson, 4 March 2009 and discharged, 13 May 2009.

Public and Environmental Health Act 1987 - Control of Refuse -

Moved by The Hon S G Wade, 23 September 2009 and discharged, 3 December 2009.

Valuation of Land Act 1971 - Fees and Allowances -

Moved by The Hon J A Darley, 28 October 2009 and discharged, 3 December 2009.

Waterworks Act 1932 - Variation -

Moved by The Hon R D Lawson, 29 October 2008 and discharged, 3 June 2009.

**Workers Rehabilitation and Compensation Act 1986 - Claims and Registration -
Discontinuance Fee -**

Moved by The Hon R D Lawson, 17 June 2009 and agreed to, 18 November 2009.

PRIVATE MEMBERS' MOTIONS -

Aboriginal Lands Parliamentary Standing Committee Report, 2007-2008- Noting of -

Moved by The Hon J M Gazzola, 9 September 2009, and agreed to 14 October 2009.

Abortion Services - Foreign Aid for -

Moved by The Hon JMA Lensink, 18 February 2009, and discharged, 3 June 2009.

Moved by The Hon I K Hunter, 25 March 2009. (Motion lapsed due to Prorogation)

Abuse of Children in State Care -

Moved by The Hon A M Bressington, 15 October 2008, and agreed to, 12 November 2008.

Armenian Genocide -

Moved by The Hon D W Ridgway, 4 March 2009, and agreed to, 25 March 2009.

Attorney-General - Remarks concerning former Member of the Legislative Council -

Moved by The Hon D N Winderlich, 25 March 2009, and disagreed to, 13 May 2009.

Australian Building and Construction Commission -

Moved by The Hon M C Parnell, 28 October 2009. (Motion lapsed due to Prorogation)

Bowen, Sgt Jeffrey - Commemoration of 15th Anniversary of death of -

Moved by The Hon A M Bressington, 4 March 2009. (Motion lapsed due to Prorogation)

Burnside City Council -

Moved by The Hon D N Winderlich, 15 July 2009. (Motion lapsed due to Prorogation)

Burnside City Council - Further Issues

Moved by The Hon D N Winderlich, 28 October 2009. (Motion lapsed due to Prorogation)

Carbon Pollution Reduction Scheme -

Moved by The Hon D N Winderlich, 4 March 2009, amendment moved by The Hon I K Hunter and disagreed to, motion agreed to, 13 May 2009.

Charles Sturt City Council -

Moved by The Hon D N Winderlich, 18 November 2009 and agreed to, 3 December 2009.

Community Television -

Moved by The Hon A M Bressington, 17 June 2009, amendment moved by The Hon B V Finnigan, 15 July 2009, amendment disagreed to and motion agreed to, 17 July 2009.

District Council of the Copper Coast -

Moved by The Hon S M Kanck, 29 October 2008, and discharged, 12 November 2008.

District Council of the Copper Coast - Ombudsman to Inquire into -

Moved by The Hon S M Kanck, 12 November 2008, and disagreed to, 26 November 2008.

Environment, Resources and Development Committee Reports - Noting of -

Desalination - Port Bonython -

Moved by The Hon R P Wortley, 9 September 2009 and agreed to, 18 November 2009.

Desalination - Port Stanvac -

Moved by The Hon R P Wortley, 4 February 2009 and agreed to, 8 April 2009.

Natural Burial Grounds -

Moved by The Hon R P Wortley and agreed to, 29 October 2008.

Public Transport

Moved by The Hon R P Wortley, 2 December 2009. (Motion lapsed due to Prorogation)

Fair and Accurate Debate in the Parliamentary Process -

Moved by The Hon DGE Hood, 4 March 2009, and discharged, 29 April 2009.

Fair Work Act 1994 - Hon J M Gazzola to be Council Nominee for Panel -

Moved by the Minister for Mineral Resources Development and agreed to, 2 July 2009.

Fresh Water Embassy -

Moved by The Hon M C Parnell, 15 July 2009. (Motion lapsed due to Prorogation)

Iranian Baha'i Detainees -

Moved by The Hon D N Winderlich, 18 November 2009, amendment moved by The Hon D W Ridgway and agreed to, and motion as amended agreed to, 3 December 2009.

Italian Consulate, Closure of -

Moved by The Hon C Zollo, 17 June 2009 and agreed to, 15 July 2009.

Jumps Racing -

Moved by The Hon M C Parnell, 2 December 2009. (Motion lapsed due to Prorogation)

Labor Government -

Moved by The Hon R D Lawson, 23 September 2009. (Motion lapsed due to Prorogation)

Legislative Review Committee - To Inquire into -

Court System -

Moved by The Hon J A Darley, 8 April 2009 and agreed to, 13 May 2009.

Legislative Review Committee Report - Noting of -

Aquaculture Variation Regulations 2008 and Aquaculture Variation Regulations 2009 -

Moved by The Hon J M Gazzola, 23 September 2009. (Motion lapsed due to Prorogation)

Magill Youth Training Centre -

Moved by The Hon M C Parnell, 23 September 2009. (Motion lapsed due to Prorogation)

Mount Barker Development -

Moved by The Hon M C Parnell, 15 July 2009. (Motion lapsed due to Prorogation)

Natural Resources Committee - To Inquire into -

Bushfire -

Moved by The Hon C V Schaefer, 8 April 2009 and agreed to, 3 June 2009.

Natural Resources Committee Reports - Noting of -

2007-2008 -

Moved by The Hon R P Wortley, 15 October 2008 and agreed to, 29 October 2008.

2008-2009 -

Moved by The Hon R P Wortley, 14 October 2009 and agreed to, 28 October 2009.

Adelaide and Mount Lofty Ranges Natural Resources Management Board Levy Proposal, 2009-2010 -

Moved by The Hon R P Wortley, 15 July 2009, and agreed to, 9 September 2009.

Deep Creek Revisited: A Search for Straight Answers -

Moved by The Hon R P Wortley, 24 September 2008, amendment moved by The Hon S M Kanck, 15 October 2008, amendment disagreed to and motion agreed to, 26 November 2008.

Eyre Peninsula Natural Resources Management Board Levy Proposal, 2009-2010 -

Moved by The Hon R P Wortley, 15 July 2009, and agreed to, 23 September 2009.

Kangaroo Island Natural Resources Management Board Levy Proposal, 2009-2010 -

Moved by The Hon R P Wortley, 28 October 2009, and agreed to, 18 November 2009.

Northern and Yorke Natural Resources Management Board Levy Proposal, 2009-2010 -

Moved by The Hon R P Wortley, 15 July 2009, and agreed to, 23 September 2009.

South Australian Arid Lands Natural Resources Management Board Levy Proposal, 2009-2010 -

Moved by The Hon R P Wortley, 14 October 2009, and agreed to, 28 October 2009.

South Australian Murray-Darling Basin Natural Resources Management Board Levy Proposal, 2009-2010 -

Moved by The Hon R P Wortley, 15 July 2009, and agreed to, 23 September 2009.

Upper South-East Dryland Salinity and Flood Management Act 2002 -

Report, 2007-2008, moved by The Hon R P Wortley, 26 November 2008, and agreed to, 17 June 2009.

Report, 2008-2009, moved by The Hon R P Wortley, 28 October 2009, and agreed to, 18 November 2009.

Water Resource Management in the Murray-Darling Basin - Critical Water Allocations -

Moved by The Hon R P Wortley, 13 May 2009, and agreed to, 3 June 2009.

Water Resource Management in the Murray-Darling Basin, Volume 1: "The Fellowship of the River" -

Moved by The Hon R P Wortley, 29 April 2009, and agreed to 13 May 2009.

Water Resource Management in the Murray-Darling Basin, Volume 2: "The Two Rivers" -

Moved by The Hon R P Wortley, 28 October 2009, and agreed to, 18 November 2009.

Nuclear Non-Proliferation -

Moved by The Hon S M Kanck, 24 September 2008, and agreed to, 13 November 2008.

Potential Conflicts of Interest in 30 Year Plan for Greater Adelaide -

Moved by The Hon M C Parnell, 3 June 2009. (Motion lapsed due to Prorogation)

Public Education - Influence of Corporate Sponsorship on -

Moved by The Hon M C Parnell, 14 October 2009. (Motion lapsed due to Prorogation)

Public Interest Litigation -

Moved by The Hon R L Brokenshire, 14 October 2009. (Motion lapsed due to Prorogation)

Recent Government Appointments and Actions -

Moved by The Hon R I Lucas, 25 March 2009. (Motion lapsed due to Prorogation)

Reorganisation of Disability Services -

Moved by The Hon S G Wade, 24 September 2008 and agreed to, 26 November 2008.

Schaefer, Hon C V and Lawson, Hon R D - Contribution of -

Moved by The Hon D W Ridgway, 28 October 2009 and agreed to, 3 December 2009.

Social Development Committee Reports - Noting of -

Bogus, Unregistered and Deregistered Health Practitioners -

Moved by The Hon I K Hunter, 17 June 2009 and agreed to, 23 September 2009.

Review of the Department of Health's Report into Hypnosis -

Moved by The Hon I K Hunter, 13 May 2009 and agreed to, 9 September 2009.

Statutory Authorities Review Committee Reports - Noting of -

2007-2008 -

Moved by The Hon B V Finnigan, 29 April 2009 and agreed to, 13 May 2009.

2008-2009 -

Moved by The Hon C Zollo, 14 October 2009 and agreed to, 28 October 2009.

Independent Gambling Authority -

Moved by The Hon C Zollo, 29 April 2009 and agreed to, 13 May 2009.

Land Management Corporation -

Moved by The Hon C Zollo, and agreed to, 28 October 2009.

Office of the Public Trustee -

Moved by The Hon C Zollo, 2 December 2009. (Motion lapsed due to Prorogation)

Statutory Authorities Review Committee - To Report on Teachers Registration Board -

Moved by The Hon J A Darley, 24 September 2008, and agreed to 29 October 2008.

Statutory Officers Committee -

Report re recommending appointment of Ombudsman Tabled, 7 April 2009.

Motion moved by the Minister for Mineral Resources Development to recommend to His Excellency the Governor appointment of Mr Richard Bingham to the Office of Ombudsman, and agreed to, 7 April 2009.

Timorese Assistance to Australia in World War II - Recognition of -

Moved by The Hon D N Winderlich, 17 June 2009, amendment moved by The Hon D W Ridgway and motion, as amended agreed to, 23 September 2009.

Trevorrow, Mr Bruce - The Estate of -

Moved by The Hon M C Parnell, 18 February 2009. (Motion lapsed due to Prorogation)

United Nations - Declarations -

Moved by The Hon M C Parnell, 26 November 2008, amendment moved by the Hon I K Hunter, 25 March 2009. (Motion lapsed due to Prorogation)

University of Adelaide Union Hall -

Moved by The Hon D N Winderlich, 2 December 2009. (Motion lapsed due to Prorogation)

Water Action Coalition -

Moved by The Hon M C Parnell, 28 October 2009 and disagreed to, 3 December 2009.

Water Usage -

Moved by The Hon M C Parnell, 26 November 2008, amendment moved by the Hon S G Wade agreed to, and motion as amended agreed to, 29 April 2009.

URGENCY MOTION -

Murray-Darling Basin Pipeline -

Moved by The Hon R L Brokenshire and withdrawn, 26 November 2008.

PETITIONS

LEGISLATIVE COUNCIL

(From 10 September 2008 to 17 December 2009)

ANTI-CORRUPTION BODY

Praying that this Honourable House will convey the community's desire for an independent anti-corruption body to the Premier, Mike Rann.

Presented by The Hon D N Winderlich, 30 April 2009, 14 signatures.

Presented by The Hon D N Winderlich, 14 May 2009, 52 signatures.

Presented by The Hon D N Winderlich, 15 July 2009, 90 signatures.

Presented by The Hon D N Winderlich, 15 October 2009, 156 signatures.

DEVELOPMENT IN OLD NOARLUNGA

Praying that this Honourable House will urge the State Government to -

1. Ensure that an open space buffer is maintained between the suburb of Old Noarlunga and the said development from the suburb's boundary through to the northern junctions of Patapinda Road and South Road;
2. Provide for a minimum 100 metre open space buffer between the Onkaparinga National Park boundary and the said new development;
3. Rehabilitate the abandoned meatworks site from funds made from the State Government's sale of land within the said development with a view to transferring the site to the National Park; and
4. Ensure that Old Noarlunga is not used as a thoroughfare to Main South Road by ensuring that traffic from the said development connects to southern suburbs amenities via a northern exit from the said development connecting to the Southern Expressway and Main South Road with no direct access from the said development to Patapinda Road or Piggott Range Road.

Presented by The Hon R L Brokenshire, 15 October 2009, 357 signatures.

DRAG AND TRACK RACING

Praying that this Honourable House will call upon the Premier and his Government to support drag and track racing in South Australia by approving the construction of the Adelaide Motorplex at Gillman.

Presented by The Hon R L Brokenshire, 29 October 2009, 720 signatures.

Presented by The Hon R L Brokenshire, 19 November 2009, 1,586 signatures.

EQUAL OPPORTUNITY (MISCELLANEOUS) AMENDMENT BILL

Praying that this Honourable House will call upon the State Government to support the amending of the Bill to ensure that their rights are protected.

Presented by The Hon DGE Hood, 26 March 2009, 939 signatures.

EUTHANASIA IN SOUTH AUSTRALIA

Praying that this Honourable House will urge the Government to take immediate action to increase funding to palliative care and to oppose euthanasia (whether voluntary or involuntary).

Presented by The Hon DGE Hood, 19 November 2009, 219 signatures.

HUMAN EMBRYOS AND HUMAN CLONING

Praying that this Honourable House will reject proposals to -

- (a) reduce prohibitions on human cloning; and
- (b) modify regulation of research involving human embryos;

as proposed by The Hon Minister John Hill in the Statutes Amendment (Prohibition of Human Cloning for Reproduction and Regulation of Research Involving Human Embryos) Bill.

Presented by The Hon DGE Hood, 25 September 2008, 1,993 signatures.

JOHN KNOX CHURCH AND SCHOOLHOUSE

Praying that this Honourable House will -

1. Take immediate action to acquire the John Knox precinct;
2. Partner with the Onkaparinga Council to determine a use for the John Knox precinct as a public asset; and thereby -
3. Return the John Knox precinct to the people of Morphett Vale and the wider South Australian community.

Presented by The Hon R L Brokenshire, 15 October 2009, 36 signatures.

Presented by The Hon R L Brokenshire, 29 October 2009, 799 signatures.

Presented by The Hon R L Brokenshire, 19 November 2009, 223 signatures.

Presented by The Hon R L Brokenshire, 3 December 2009, 10 signatures.

McLAREN VALE POLICE STATION, CLOSURE OF

Praying that this Honourable House will -

- (a) reverse its decision to downsize police services in McLaren Vale; and
- (b) reinstate the one man police station at McLaren Vale.

Presented by The Hon R L Brokenshire, 18 June 2009, 992 signatures.

Presented by The Hon R L Brokenshire, 15 October 2009, 51 signatures.

PHYSIOTHERAPY BOARD AND UNREGULATED TREATMENT

Praying that this Honourable House will convey the community's desire for an independent body to investigate and recommend appropriate action to the Premier, Mike Rann.

Presented by The Hon J M Gazzola, 3 December 2009, 16 signatures.

RECREATIONAL WATER CRAFT FEES

Praying that this Honourable House will call upon the Treasurer to immediately withdraw the aforesaid new registration fee rates and consult properly with stakeholders for fairer and equitable fees for recreational water craft users.

Presented by The Hon R L Brokenshire, 27 November 2008, 162 signatures.

REMARK/PARINGA HOSPITAL

Praying that this Honourable House will urgently reconsider the decision to downgrade the Renmark/Paringa Hospital.

Presented by The Hon J M Gazzola, 11 September 2008, 3,093 signatures.

ROAD SAFETY IN POORAKA

Praying that this Honourable House will urge the Government to take immediate action to rectify the situation by undertaking a comprehensive transport investigation to devise a suitable course of action and to comply fully with any recommendations by that investigation.

Presented by The Hon JSL Dawkins, 19 November 2009, 767 signatures.

STEEPLECHASE AND HURDLE RACING

Praying that this Honourable House will urge the Government to prohibit steeplechase and hurdle racing.

Presented by The Hon M C Parnell, 3 December 2009, 4,816 signatures.

STORMWATER HARVESTING

Praying that this Honourable House will call upon the State Government, as a matter of urgent priority, to invest in stormwater harvesting for metropolitan Adelaide.

Presented by The Hon R L Brokenshire, 27 November 2008, 407 signatures.

Presented by The Hon R L Brokenshire, 5 February 2009, 114 signatures.

Presented by The Hon R L Brokenshire, 15 October 2009, 85 signatures.

SUICIDE AND EUTHANASIA

Praying that this Honourable House will reject proposed amendments in the Consent to Medical Treatment and Palliative Care (Voluntary Euthanasia) Amendment Bill that would legalise the practice of voluntary euthanasia..

Presented by The Hon DGE Hood, 19 November 2009, 2,242 signatures.

VOLUNTARY EUTHANASIA

Praying that this Honourable House will support a referendum on voluntary euthanasia at the next general election.

Presented by The Hon S M Kanck, 30 October 2008, 21 signatures.

Presented by The Hon S M Kanck, 27 November 2008, 106 signatures.

Presented by The Hon D N Winderlich, 26 March 2009, 21 signatures.

VOLUNTARY EUTHANASIA LEGISLATION

Praying that this Honourable House will enact voluntary euthanasia legislation.

Presented by The Hon M C Parnell, 27 November 2008, 1,515 signatures.

WATER ALLOCATIONS AND RIVER MURRAY ENVIRONMENTAL FLOWS

Praying that this Honourable House will do all in its power to promote the buy-back of water allocations by State and Federal Governments in order to improve environmental flows and support sustainable agriculture.

Presented by The Hon S M Kanck, 30 October 2008, 14 signatures.

Presented by The Hon S M Kanck, 27 November 2008, 40 signatures.

WILLUNGA BASIN

Praying that this Honourable House will establish forthwith a statutory authority with powers to address major issues such as population growth and the adequate supply of public and private utility services to the said region and, further, to address issues of water security, food security, biodiversity conservation, landscape preservation, sustainable housing and the pursuit of sustainable employment opportunities through horticulture, agriculture, viticulture, tourism and any other enterprises compatible with the preservation and enhancement of the said region.

Presented by The Hon R L Brokenshire, 30 April 2009, 1,060 signatures.

Presented by The Hon R L Brokenshire, 24 September 2009, 507 signatures.

Presented by The Hon R L Brokenshire, 15 October 2009, 33 signatures.

SYNOPSIS OF COUNCIL LEGISLATION

ADMINISTRATIVE DECISIONS (EFFECT OF INTERNATIONAL INSTRUMENTS) ACT REPEAL BILL

The purpose of this Bill is to repeal the Administrative Decisions (Effect of International Instruments) Act 1995 which provides that an international instrument that does not have the force of domestic law under an Act of Parliament of the Commonwealth or the State cannot give rise to any legitimate expectation that -

1. administrative decisions will conform with the terms of the instrument; or
2. an opportunity will be given to present a case against a proposed administrative decision that is contrary to the terms of the instrument.

However, this Act does not prevent a decision-maker from having regard to an international instrument if the instrument is relevant to the decision

(June 17 - Lapsed due to Prorogation)

ADOPTION (RESTRICTIONS ON PUBLICATION) AMENDMENT BILL

The purpose of this Bill is to amend sections 31 and 32 of the Adoption Act which prevents birth parents, adoptive parents or adoptive children from being able to identify themselves in the media in South Australia as having been adopted, to allow this to occur where the parties to an adoption all consent.

(November 18 - Lapsed due to Prorogation)

ARCHITECTURAL PRACTICE BILL

The Architectural Practice Bill repeals the old Architects Act and replaces it with up-to-date legislation to govern the activities of the architectural profession in line with contemporary consumer protection legislation such as, for example, the Medical Practice Act 2004.

The Bill aims to meet the competition policy agreement between the Commonwealth and State Governments to remove anti-competitive provisions in the legislation. The Bill achieves this by removing ownership restrictions on companies and partnerships providing architectural services; removing restrictions limiting remuneration for architects; removing restrictions on advertising by architects; and removing restrictions on companies practising in partnership. The current Act governs the registration of companies of architects. It contains restrictions on the purpose, ownership and control of architectural firms. The Act limits the extent to which architectural firms can establish themselves as multidisciplinary practices.

This Bill replaces the existing restrictions with a requirement that, if the body corporate is to be registered as an architectural business and the governing body consists of an even number of members, at least half of the members must be registered architects. If the governing body has an odd number of members, a majority of the members must be registered architects. In the case of a partnership seeking registration as an architectural business, if the partnership consists of an even number of partners, at least half of the partners must be registered architects. In the case of a partnership with an odd number of partners, a majority of the partners must be registered architects.

Clause 5 of the Bill introduces a requirement that one member of the State Review Panel be a person who is not eligible for appointment under the preceding provision of subclause (1) - that is, is not a registered architect, a lawyer, or a person with qualifications or experience specified in the clause. The Bill also introduces a requirement that the board have a member who is a lawyer, another member with qualifications or experience in accounting, business or finance, and a person with qualifications or experience in urban or regional planning or building surveying or construction, or with knowledge of or experience in the building and construction industry, to give the board wider experiential representation than under the current Act.

(November 26, 2008, February 17, 18, March 3, April 7 - Act No. 16 of 2009)

BAIL (DISCRETION) AMENDMENT BILL

The purpose of this Bill is to amend the Bail Act to clarify section 10(1)(f) to make it plain that not only previous breaches but also current charges or allegations of breach of bail must be taken into account by the bail authority in deciding whether to give a defendant a further opportunity for bail.

(September 24 - Lapsed due to Prorogation)

BIRTHS, DEATHS AND MARRIAGES (CHANGE OF NAME) AMENDMENT BILL

The purpose of this Bill is to amend the Births, Deaths and Marriages Registration Act. The amendment will add a section to the Bill such that applicants for a name change will need to declare that they have no previous serious criminal history. It will also be made an offence to make a false declaration.

The Police Commissioner will also be able to notify the Registrar of Births, Deaths and Marriages of any persons about whom he or she wants to be notified of, should they wish to change their name.

(September 23 - Lapsed due to Prorogation)

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT BILL

The purpose of this Bill is to secure guaranteed arrangements for payments on work performed or material supplied within the building and construction industry. The Bill mandates good payment practices within the building and construction industry by applying fair and reasonable payment terms into contracts that are not in writing and providing an effective and rapid adjudication process for payment disputes.

(September 24 - Lapsed due to Prorogation)

CHILDREN'S PROTECTION (HARBOURING) AMENDMENT BILL

The purpose of this Bill is to amend the Children's Protection Act to enable a Police Officer or an employee of the Department authorised by the Minister, to exercise powers under Division 2 of the Act to require a person harbouring a child to satisfy the Chief Executive that the guardian of the child has consented to the child's residence with the person.

(November 12 - Lapsed due to Prorogation)

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (R18+ FILMS) AMENDMENT BILL

This Bill amends the *Classification (Publications, Films and Computer Games) Act 1995* to ensure that R18+ films are placed quite separately from children's films.

New section 40A will prohibit an occupier of premises (other than adults-only premises) at which films with a classification lower than R18+ are sold displaying material for a film classified R18+ at the premises unless certain criteria are met.

A notice required to be displayed under this new provision must contain a statement warning the public of the material.

(April 29, June 3, July 15, September 9, December 3 - Act No. 67 of 2009)

**CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE (PARENTAL CONSENT)
AMENDMENT BILL**

This Bill reinstates parental rights. This Parliament has indicated that it is against minors having tattoos and body piercings and scarification without parental consent but other medical procedures do not require parents' consent.

This Bill rearranges the priorities so that in non-emergency situations, once reasonable efforts have been made to locate parents, treatment can proceed.

There is no change to the emergency provisions of the Consent to Medical Treatment and Palliative Care Act.

(September 23 - Lapsed due to Prorogation)

**CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE (VOLUNTARY EUTHANASIA)
AMENDMENT BILL**

The purpose of this Bill is to amend the Consent to Medical Treatment and Palliative Care Act. The Bill allows certain adult persons -

1. who are in the terminal phase of a terminal illness; or
2. who have an illness, injury or other medical condition that -
 - (a) results in permanent deprivation of consciousness; or
 - (b) irreversibly impairs the person's quality of life so that life has become intolerable to that person, to end their suffering by means of voluntary euthanasia.

The Bill repeals section 18 of the Act (currently a prohibition on the administration of voluntary euthanasia) and sets out the procedural requirements that must be satisfied in relation to a person making a request that he or she be administered voluntary euthanasia. This includes that the medical practitioner must take a number of steps before proceeding to administer voluntary euthanasia, each designed to ensure that the relevant request is still in force, that the person does not wish to revoke the request and that the person is a person to whom voluntary euthanasia can be administered in accordance with the Act.

The Bill also establishes the Voluntary Euthanasia Board of South Australia, sets out the nature of the Board's legal identity and the functions of the Board, namely to advise the Minister and carry out any functions assigned to the Board under the Act or by the Minister including ensuring that a person's request for voluntary euthanasia is carried out lawfully and in accordance with the wishes of the person.

The Bill provides for the appointment by the Board of a Registrar and requires the Registrar to keep a register in relation to all requests for voluntary euthanasia made in accordance with the Act as amended by this measure, and sets out the information required to be kept on the Register.

(November 12, 26, 2008, October 14, 28, November 18 - Negatived in Legislative Council)

CONSTITUTION (FIXED SESSION PRECEDING ELECTION) AMENDMENT BILL

The purpose of this Bill is to amend the Constitution Act. The Bill amends sections 6 and 24 of the Act and would bring back the Parliament for the first Tuesday of February, which would be 2 February 2010. Parliament cannot then be prorogued until the issuing of writs 1 month prior to the day of the election.

(October 28, November 18, December 3 - Lapsed due to Prorogation)

CONSUMER CREDIT (SOUTH AUSTRALIA) (PAY DAY LENDING) AMENDMENT BILL

The purpose of this Bill is to amend Section 12 of the Consumer Credit (South Australia) Act to limit the maximum annual percentage rate for any credit contract to 48%. For the purposes of calculating the maximum annual percentage rate, interest charges and credit fees and charges must be included.

(February 18, April 8 - Lapsed due to Prorogation)

CONTROLLED SUBSTANCES (PALLIATIVE USE OF CANNABIS) AMENDMENT BILL

The purpose of this Bill is to amend the Controlled Substances Act so that fines be waived for the personal cultivation and use of marijuana for people suffering designated medical conditions. This would be on the proviso that a medical practitioner has signed a palliative cannabis certificate to indicate that the person is suffering from a specified illness or disease, the symptoms of which might be palliated by the smoking or consumption of cannabis or cannabis resin.

(September 24, November 12, 13, 26, 27 - Negatived in Legislative Council)

CONTROLLED SUBSTANCES (SIMPLE POSSESSION OFFENCES) AMENDMENT BILL

The purpose of this Bill is to amend the Controlled Substances Act to provide that offenders found in possession of less than a trafficable quantity of hard drugs (such as amphetamines, heroin, LSD, ecstasy or cocaine) for personal use would incur an on-the-spot fine, as is already the case for possession of cannabis for personal use, which receives an on-the-spot fine of between \$150 and \$300.

(December 2 - Lapsed due to Prorogation)

CORONERS (RECOMMENDATIONS) AMENDMENT BILL

The purpose of this Bill is to amend the Coroners Act to give the Coroner the power to add to its findings any recommendation that, in the opinion of the court is appropriate in the circumstances even if the recommendation relates to a matter that was not material to the event which is the subject of the inquest.

The Bill further amends the Act to give the Coroner the power to force the government to respond to his recommendations.

(October 29, 2008, June 3, 17, July 15, September 9, October 14 - Lapsed due to Prorogation)

CRIMINAL LAW (SENTENCING) (VICTIMS OF CRIME) AMENDMENT BILL

The purpose of this Bill is to amend the Criminal Law (Sentencing) Act to extend the category of victims who are entitled to read a victim impact statement to include where a victim suffered death or serious harm should they so choose and allow victims to have a say in what type of community service an offender would perform when a court imposed a sentence of this type.

(September 24 - Lapsed due to Prorogation)

CRIMINAL LAW CONSOLIDATION (AGGRAVATED OFFENCES) AMENDMENT BILL

The purpose of this Bill is to amend the Criminal Law Consolidation Act to specifically declare any assaults against health and emergency services workers to be 'aggravated' under section 5AA of the Criminal Law Act. These professions are: SA Country Fire Service members; SA Metropolitan Fire Service members; SA State Emergency Service members; SA Ambulance Service Inc. members; St John Ambulance Australia (SA) Inc. members; Surf Life Saving (SA) Inc members; a body or organisation that is a member of Volunteer Marine Rescue (SA) Inc. and those who work in the accident and emergency department of a hospital.

(October 29 - Lapsed due to Prorogation)

DEVELOPMENT (MAJOR DEVELOPMENTS) AMENDMENT BILL

The purpose of this Bill is to amend the Development Act to ensure that if the Minister for Urban Development and Planning proposes to make a declaration that something is a major development or a major project, in respect of a development or a project that will, if the development or project succeeds, be situated wholly or partly within the area of a council, the Minister must consult with the council before making the declaration.

(April 8, July 15, 17 - Negatived in Legislative Council)

DEVELOPMENT (PLANNING AND DEVELOPMENT REVIEW) AMENDMENT BILL

This Bill is intended to establish a legislative framework to ensure the key elements of the Planning and Development Review (including an increase in the level of complying development) can be achieved. The purpose is to facilitate the reduction of red tape across the South Australian Planning System. The reforms will provide for a development code that will be a single document explaining how the assessment of residential development operates and setting clear performance standards for residential development. The Bill enables the Residential Development Code to be introduced by Regulation and the introduction of the Code for dwellings of up to two storeys will allow code compliant applications to receive planning approval within 10 working days.

(November 12, 25, 27, December 2, 2008 - Act No. 1 of 2009)

DEVELOPMENT (REGULATED TREES) AMENDMENT BILL

The Development (Regulated Trees) Amendment Bill aims to clarify the intent and application of legislative controls applying to urban trees.

On 20 April 2000, the commencement of the Development (Significant Trees) Amendment Act 2000 amended the Development Act 1993 to include specific legislative controls applying to the removal or damage of trees in designated urban areas.

This Bill proposes to clarify the intent and application of legislative controls with respect to urban trees. This is proposed to be achieved by simplifying the development process for the majority of trees above the prescribed trunk circumference threshold through the introduction of a two-tier system of tree classification and assessment. The first tier will be “regulated trees” and the second tier will be “significant trees”.

A regulated tree will be subject to a preliminary assessment of whether the tree is significant which is intended to be based on whether the tree contributes in a measurable way to the character and visual amenity of a site and its locality or has a biodiversity value as a specimen in its own right.

A tree determined by a council to satisfy the prescribed criteria would then be determined to be a “significant tree” and would then go on to the second tier of the assessment process and be subject to stronger development plan policies for retention than regulated trees. It is at this second stage that councils may require an applicant to provide an arborist’s report such as to determine the health, safety and integrity of the tree. In other cases, no professional report should be required and a simpler assessment process will apply. As a consequence, the bill has been designed to reduce the cost for the majority of applicants.

The Bill will also provide opportunities for councils, who wish to do so, to list trees that may fall below the two-metre circumference threshold as “significant” in their development plan, through a plan amendment process.

The Bill will also enable councils to establish an urban trees fund with such moneys being used for the purpose of planting trees in the council area.

(June 17, July 15, September 23, November 18 - Act No. 56 of 2009)

DEVELOPMENT (WATER HARVESTING) AMENDMENT BILL

The purpose of this Bill is to amend the Development Act to require any future residential, industrial or commercial greenfield development over a prescribed size to include water harvesting aspects. There must be two sets of waterworks for water supply, being the standard SA Water supply on one pipe and the other to deliver recycled water to homes, parks and gardens in the new subdivision.

(September 24, November 12 - Lapsed due to Prorogation)

EDUCATION (OMBUDSMAN AND SCHOOL DISCIPLINE) AMENDMENT BILL

The purpose of this Bill is to amend the Education Act to appoint an education ombudsman independent of Government with the powers of a Royal Commission, as is the case with the State Ombudsman, and enable the education ombudsman to initiate his or her own investigations or conduct investigations referred to him or her by the Minister or a Parliamentary committee. It allows the education ombudsman to make directions to the Minister to amend school discipline policies, requires any changes in school discipline policy to be scrutinised by Parliament's Social Development Committee, provides immunity from civil liability for any person who complains to the ombudsman or makes a statement in an ombudsman's investigation, and, finally, allows the State Ombudsman to transfer existing education-related matters to the new education ombudsman.

(March 4 - Lapsed due to Prorogation)

ELECTORAL (COST OF BY-ELECTIONS) AMENDMENT BILL

The purpose of this Bill is to amend the Electoral Act to provide that, in the event of early retirement, in the absence of a good reason, the political party to which the member belongs will have to either pay the cost of the by-election from its own party's resources, or not field a candidate in the subsequent by-election.

The Bill would also provide that if the Electoral Commissioner is satisfied that the resignation was reasonably necessary due to circumstances beyond the member's control, for example, if the retirement was due to a medical condition of the member or of a person who relies on the member for care, the Electoral Commissioner may determine that this section does not apply.

(February 4 - Lapsed due to Prorogation)

ELECTRICITY (COMPENSATION FOR BLACKOUTS) AMENDMENT BILL

The Bill amends the Electricity Act to make it compulsory for these codes to contain a provision requiring the electricity entity to pay compensation to customers in the event of a failure in electricity supply. The schedule in the Bill sets out the particular compensation amounts that are to apply.

(March 4, May 13, June 3 - Negatived in Legislative Council)

ELECTRICITY (ELECTRICITY SUPPLY INDUSTRY PLANNING COUNCIL) AMENDMENT BILL

The Bill amends the Electricity Act to expand the Electricity Supply Industry Planning Council from five members to six and requires the inclusion of a person who has appropriate knowledge of and experience in advocating for or promoting the interests of electricity consumers, and that at least one member must have appropriate qualifications or experience in relation to either or both energy demand management and the renewable energy industry.

(February 18 - Lapsed due to Prorogation)

ELECTRICITY (FEED-IN RATES) AMENDMENT BILL

The Bill amends the Electricity Act to set out that the price that has to be paid to small generators, that is people with solar panels who feeds electricity into a distribution network be made up of two components. The first component is a base price that the retailer pays to purchase the electricity, and the second component is the 44 cents per kWh legislated premium which is paid for by all electricity consumers.

The base price means, in relation to a qualifying customer who feeds electricity into a distribution network, the lowest rate per day (GST exclusive) for the supply of electricity for domestic light and power charged to the qualifying customer by the electricity entity that has the relevant contract in connection with the feeding in of that electricity (excluding any fixed charge relating to the supply of electricity to the qualifying customer's property).

(October 29 2008, April 8 - Negatived in House of Assembly)

ENVIRONMENT PROTECTION (PULP MILLS) AMENDMENT BILL

The Bill amends the Environment Protection Act removing the exemption on pulp mills operating under the Pulp and Paper Mills Agreement Act and Pulp and Paper Mill (Hundreds of Mayurra and Hindmarsh) Act from the operations of the Act, therefore requiring them to comply with the Environment Protection Act.

(November 26, 2008, March 4 - Lapsed due to Prorogation)

ENVIRONMENT PROTECTION (RIGHT TO FARM) AMENDMENT BILL

The Bill amends the Environment Protection Act and makes a consequential amendment to the Land and Business (Sale and Conveyancing) Act to provide additional protection for farmers against complaints from residential neighbours arising from the carrying on of normal farming activities. It also provides that prospective purchasers of residential land in the vicinity of farms be advised of that fact prior to formalising the purchase.

(September 23, November 18 - Lapsed due to Prorogation)

ENVIRONMENT PROTECTION (TESTING, MONITORING AND AUDITING) AMENDMENT BILL

The Bill amends the Environment Protection Act and requires that reports and evaluations must be included in any environmental monitoring program and the results of such tests and reports must be placed on the public register already maintained by the EPA.

(June 3 - Lapsed due to Prorogation)

EQUAL OPPORTUNITY (MISCELLANEOUS) AMENDMENT BILL

The purpose of this Bill is to amend and expand the current legislation that allows South Australians to take part equally in public life. This Bill expands the protection against disability discrimination and mirrors the Commonwealth Disability Discrimination Act in regards to definition. The Bill also covers non-symptomatic physical conditions, such as being infected with a virus. The Act will therefore now protect people infected with the HIV virus, for example. At the same time, this law should not hamper the actions necessary to prevent the spread of any illness. The Bill covers learning disabilities, even where they are not traceable to intellectual disability. The Bill will also change the wording of the Act, replacing 'impairment' with 'disability' as well as extending coverage to carers of people with disability.

Other types of discrimination are included that have previously been not covered by the Act. These include the identity of spouse, as well as discrimination on grounds that a person, for religious reasons, wears particular dress or adornments or presents a particular appearance. Discrimination on the ground of past and presumed characteristics, discrimination against a person based on the characteristics of his or her associates are also covered.

The Bill changes the sex-discrimination provisions of the Act in three ways. Firstly, the Bill deletes references to "transsexuality" and refers instead to "chosen gender". Secondly, the Bill extends the coverage of the Act to "potential pregnancy", that is, the possibility that a woman might become pregnant. This may already be covered because it is a characteristic of women in general, but express reference avoids doubt. Thirdly, the Bill removes discrimination on the ground of marital status from the sex discrimination provisions and covers it later, in Part 5B, where other matters such as identity of spouse and caring responsibilities are covered. This is a rearrangement, without change to the substance of the protection. The provision is, however, expanded to include the status of living in a domestic partnership, consistently with the 2007 amendments to the *Family Relationships Act 1975*.

On sexuality discrimination, the Bill allows the exemption set out in section 50(2) of the Act regarding religious institutions discriminating based on sexuality to continue. However, this exemption is restricted to the employment of staff in religious schools only. The Bill also abolishes exemptions of associations prohibiting them from discriminating on the grounds of sexuality. This Bill also makes changes to sexual harassment.

This Bill also changes the role of the Commissioner in some respects. The Bill provides for the Commissioner to assist the Tribunal with its leave or at its request, in any matter. For example, this will help the Tribunal where there is legal argument about the interpretation of the Act.

The Bill also makes a change regarding the rules about disabled persons being accompanied by guide dogs. This protection is expanded to cover assistance dogs and any animal of a class prescribed by regulation.

(November 26, 2008, February 3, 18, 19, March 3, 4, 5, 24, 26, April 7, 8 - Act No. 34 of 2009)

EVIDENCE (PROPENSITY EVIDENCE) AMENDMENT BILL

The Bill amends the Evidence Act and allows for the admissibility of propensity evidence relevant to facts in issue in proceedings relating to a major indictable offence, if the court considers that in all the circumstances it is just to admit it despite any prejudicial effect it may have on the person charged with the offence.

(October 14 - Lapsed due to Prorogation)

FAIR TRADING (TELEMARKETING) AMENDMENT BILL

This Bill amends the Fair Trading Act 1987 to provide for a cooling-off period on contracts for goods and services that result from a trader making unsolicited contact with a consumer by telephone. Due to an increase in the availability of personal information in electronic form, and the attraction to business of reduced trading costs, telemarketing activity has significantly increased over the past decade. The burgeoning telemarketing industry has led to an increase in consumer complaints about telemarketing practices. Consumers consider telemarketing calls unwarranted and inconvenient, particularly when they involve high pressure sales tactics.

The concern with telemarketing amongst the general community is reflected in the popularity of the Commonwealth's Do Not Call Register, which now allows people to list their telephone number on the register and thereby opt out of receiving telemarketing calls. It is now generally unlawful to make calls to these listed numbers. The Commonwealth legislation also regulates permitted calling hours by telemarketers, the disclosure of information by callers and the grounds for the termination of a call. It does not, however, provide for a cooling-off period on unsolicited telemarketing contracts.

The Bill extends the operation of the current door-to-door provisions of the Fair Trading Act 1987 to also regulate telemarketing activity in the same manner. In practice this ensures that vulnerable consumers, who may feel pressured to agree to be bound by a contract over the phone, will be provided with a cooling-off period within which they may determine whether to proceed with the contract. As it is likely that those who are not included on the Commonwealth Do Not Call Register will be those most at risk - people who are unaware of their rights and who are at some disadvantage, who have limited life skills and, more than likely, those who have little money to spare - the Bill ensures increased consumer protection for those most vulnerable to consenting to contractual obligations for unwarranted goods or services. As is already the case in New South Wales and Victoria, the passing of this Bill ensures that South Australian consumers are better protected against high pressure telemarketing sales tactics.

(November 27, 2008, February 17, 18, April 7 - Act No. 15 of 2009)

FAIR WORK (POWERS OF ENTRY AND INSPECTION) AMENDMENT BILL

The Bill amends the Fair Work Act by deleting subsection 5 of section 140 which includes the statement that an official of an association may not enter a workplace if no more than 20 employees are employed at the workplace; and the employer is a member of the Christian fellowship known as Brethren; and holds a certificate of conscientious objection under section 118 that has been endorsed in a manner that indicates each employee employed at the workplace agrees to the exclusion of this section; and no employee employed at the workplace is a member of an association registered under this Act.

(March 25 - Lapsed due to Prorogation)

FREEDOM OF INFORMATION (VICTIMISATION AND INTERFERENCE) AMENDMENT BILL

The Bill amends the Freedom of Information Act by inserting an additional subsection relating to victimisation which states that a person who causes detriment to another on the ground, or substantially on the ground, that the other person or a third person has carried out functions or exercised powers under this Act commits an act of victimisation.

The Bill also states that a person must not seek to influence the decision of an accredited FOI officer in respect of a particular application under this Act; or seek information from any other person.

The Bill also ensures that a person who is directly or indirectly involved in dealing with an application under this Act must not divulge or communicate information in respect of the application (including information as to the fact that a particular application has been made, or of the nature of the information sought by the application) except -

1. as required or authorised by or under this Act or any other Act or law; or
2. where such disclosure is necessary for the purpose of dealing with the application; or
3. with the consent of the applicant.

(May 13 - Lapsed due to Prorogation)

GENETICALLY MODIFIED CROPS MANAGEMENT (RIGHT TO DAMAGES) AMENDMENT BILL

The Bill amends the Genetically Modified Crops Management Act and provides compensation to owners of land whose land has been contaminated with genetically modified crops without their consent.

(March 4 - Lapsed due to Prorogation)

HEALTH CARE (COUNTRY HEALTH) AMENDMENT BILL

The Bill amends the Health Care Act and ensures that a consultation process is followed prior to a Country Hospital being closed or emergency services in a country area being reduced.

The Bill also requires that a report be prepared each year on amounts spent on expanding health services in country areas including support for health professionals.

(October 15, 29, November 26 - Lapsed due to Prorogation)

INDEPENDENT COMMISSION AGAINST CORRUPTION BILL

The purpose of this Bill is to establish the Independent Commission against Corruption and to define its functions and powers. The Bill defines the role of the Commission, which is to -

- investigate, expose and prevent corruption involving or affecting public authorities and public officers; and
- educate public authorities, public officers and members of the public about corruption and its detrimental effects on public administration and on the community.

(March 4, July 15, October 14 - Lapsed due to Prorogation)

INDEPENDENT COMMISSION AGAINST CRIME AND CORRUPTION BILL

The purpose of this Bill is to establish as Independent Commission against Crime and Corruption that would investigate all of Government and its agencies. The Commission will investigate allegations or complaints which imply corrupt conduct and/or organised crime occurred or may be occurring. In addition to this a new Parliamentary Standing Committee would be set up which, like other Standing Committees, would be answerable to Parliament.

(September 24, October 15, November 26 - Negatived in Legislative Council)

LIQUOR LICENSING (PRODUCERS, RESPONSIBLE SERVICE AND OTHER MATTERS) AMENDMENT BILL

This Bill provides for amendments to the Act that will provide a number of benefits to licence holders and consumers. For example, the holders of a producer's licence will be allowed to provide liquor other than their own product as a sample in comparative tastings.

The Bill provides that, in the case of a producer's licence, a licensee may have up to two licensed premises approved under a single licence, one at the licensee's production premises and one elsewhere. The amendments allow the holder of a producer's licence to enter into an arrangement with other producers to participate in a collective outlet. A collective outlet is the part of the licensed premises where each of the producers can sell or supply their own products.

The Bill will allow producers with production premises to sell or sample their products at regional festivals and farmers markets under their producer's licence. This will effectively extend the producers retail outlet to farmer's markets and will assist to optimise tourism.

The Bill provides the licensing authority with the power to exempt a producer from the requirement that a substantial proportion of blended wine is the licensee's own product in special circumstances beyond the control of the licensee, such as a failed crop.

The Bill also makes it an offence to serve liquor to a person in circumstances in which the person's speech, balance, coordination or behaviour is noticeably impaired and it is reasonable to believe that the impairment is the result of the consumption of liquor and provides an additional power to remove persons who it is reasonable to suspect have supplied liquor, or are about to supply liquor to an intoxicated person.

The Bill gives the Minister for Consumer Affairs the power to prohibit the manufacture, sale and supply of undesirable liquor products in South Australia if satisfied that because of its name, design or packaging the liquor is likely to have a special appeal to minors or be confused with confectionery or a non-alcoholic beverage.

(September 9, October 13, November 19 - Act No. 61 of 2009)

LOCAL GOVERNMENT (ACCOUNTABILITY FRAMEWORK) AMENDMENT BILL

This Bill developed as a result of the consultation process following the release of a proposals paper: *Reforms to Improve the Accountability Framework for Local Government in South Australia*. The Bill also contains unrelated, miscellaneous measures, most of which were the subject of consultation in a draft Local Government (Miscellaneous) Bill.

The Bill seeks to ensure a council achieves and maintains standards of good public administration and ensuring the sustainability of the council's long-term financial performance. The Bill places responsibility on the council's elected members, as the governing body, to ensure, as far as is practicable, that appropriate policies, practices and procedures are in place and observed in order to achieve and maintain standards of good public administration.

The Bill provides for new powers for the Minister when undertaking investigations and inquiries that relate to the acquisition of information and documents and to ask a council to obtain an independent assessment of its probity or statutory compliance in a matter, or to take specified action (or actions).

The Bill also makes legislative changes relating to -

- the power for councils to remove vehicles;
- access to documents and the publication of council information on the internet;
- council rating policies relating to fixed charges and minimum rates;
- certain prescribed services that are made available to all land users in a defined area;
- community service rate rebates for service delivery and administration by a community service organisation;
- various issues relating to community land;
- procedural requirements for council orders;
- roads and house numbers;
- By-laws that apply in only part of the council district;
- entering private land to carry out work;
- the liability of a council when exercising emergency powers;
- electronic attendance at committee meetings;
- the scheduling of representation reviews by regulation;
- conflict of interest; and
- Frew Park, Mount Gambier.

(September 10, November 17, December 1, 3 - Act No. 81 of 2009)

LOCAL GOVERNMENT (ELECTIONS) (MISCELLANEOUS) AMENDMENT BILL

The purpose of this Bill is to amend the Local Government (Elections) Act 1999 following the work of the Independent Review of Local Government Elections. The Review was established on 20 April 2007 following completion of the 2006 Local Government election process.

This Bill inserts new section 13A which establishes responsibility for information, education and publicity for local government general elections. The Bill also places the responsibility for promoting elections into the hands of an independent statutory officer, the Electoral Commissioner. This Bill will also reduce the administrative burden associated with compiling a separate voters roll. Under the provisions of this Bill people will be able to exercise a vote only if they choose to enrol themselves in a local government election year. These proposed changes will not apply to the City of Adelaide because their implications would be significantly different for the capital city.

Other reforms in this Bill provide for -

- the provisional enrolment of 17 year olds, reflecting the practice for State and Commonwealth elections and allowing them to exercise a vote if they have turned 18 by election day;
- setting a definite time, 4:00pm, for the drawing of lots to determine the order of names on the ballot papers. This is intended to allow candidates and other interested parties to schedule their time to attend the draw, if they wish;
- reducing the length of time (from six weeks to 30 days) for provision of a campaign donations return after the completion of an election; and
- requiring campaign donation returns to be retained for four years, rather than three.

(July 15, September 8, 10, 22, October 28, 29 - Act No. 50 of 2009)

LOCAL GOVERNMENT (MISCELLANEOUS) AMENDMENT BILL

The purpose of this Bill is to amend the Local Government Act to allow a council to make by-laws prohibiting smoking in a specified public place.

(September 24, October 15, 29, November 12 - Lapsed due to Prorogation)

LOCAL GOVERNMENT (NOTICE OF MEETINGS) AMENDMENT BILL

The purpose of this Bill is to amend the Local Government Act to require Local Government to ensure a notice and the agenda of meetings are placed on a website.

(October 15 - Lapsed due to Prorogation)

LOCAL GOVERNMENT (STORMWATER HARVESTING) AMENDMENT BILL

The purpose of this Bill is to amend the Local Government Act to fund additional local government stormwater harvesting from the Land Management Corporation's revenue and task the Stormwater Management Authority with preparing a plan for this expenditure.

(September 24, November 12 - Lapsed due to Prorogation)

LOCAL GOVERNMENT (WASTE COLLECTION) AMENDMENT BILL

The purpose of this Bill is to amend the Local Government Act to ensure that local councils within the metropolitan area of Adelaide that already collect rubbish on a weekly basis continue to do so.

(May 13, June 3, 17 - Lapsed due to Prorogation)

MINING (MISCELLANEOUS) AMENDMENT BILL

The Bill has been developed in accordance with three key objectives -

- Reducing red tape - repeal or amend legislative requirements that impede industry in the conduct of normal business operations;
- Greater transparency - require industry to provide more information on proposed and current mining operations and improve notification protocols for access to land for landholders and the community. Greater transparency in Government processes; and
- Effective regulation - ensure the regulator is authorised to effectively regulate mining operations and is adequately resourced to provide a quality and timely service to industry and the community.

The Bill, together with Government policies and publicly available guidelines, aims to ensure that landowners and the community are well informed through more effective and transparent Government processes. The Bill will not have a significant regulatory impact on industry and formalises in the Act and the Regulations existing policies and good practice.

New provisions will authorise PIRSA officers to identify and address any illegal mining activities.

By increasing the regulator's control through implementing environmental and rehabilitation directions, along with an increase in the penalties, the Government considers that the provisions of the Bill will deliver positive outcomes for the environment.

The requirement for a mining program which incorporates environmental protection and rehabilitation, underpinned by a more comprehensive definition of the environment, will enable the regulator to deliver improved regulatory control of mining operations and prevent illegal mining.

The provisions in the Bill will deliver a more transparent process and enhanced regulation of mining which will result in fewer nuisances and risks to public safety. The Bill introduces two new fees - an annual administration fee and an annual regulation fee.

The Bill provides for the Minister to be able to request an expert report from a tenement holder, verifying the information contained within a return under Part 3 of the Act. This provision was introduced to provide additional assurance to the State regarding the accuracy of the mining returns and royalty payments submitted by tenement holders.

(December 3 - Lapsed due to Prorogation)

NATIONAL PARKS AND WILDLIFE (ARKAROOOLA-MT PAINTER SANCTUARY MINING PROHIBITION) AMENDMENT BILL

The purpose of this Bill is to amend the National Parks and Wildlife Act by inserting a new Section prohibiting prospecting and mining in Arkaroola-Mount Painter Sanctuary.

(September 24 - Lapsed due to Prorogation)

NATIONAL PARKS AND WILDLIFE (BAN ON HUNTING PROTECTED ANIMALS) AMENDMENT BILL

The purpose of this Bill is to amend the National Parks and Wildlife Act to end the ability of the Environment Minister to declare open seasons for the hunting of wildlife.

(June 3, November 18, December 3 - Negatived in Legislative Council)

NATURAL RESOURCES MANAGEMENT (WATER HARVESTING) AMENDMENT BILL

The purpose of this Bill is to amend the Natural Resources Management Act to require the National Resource Management (NRM) Council to include a line in its annual report setting out how much the state government, through its various organisations, NRM boards and local government spends on stormwater or other wastewater capture and storage.

(September 24, November 12 - Lapsed due to Prorogation)

OUTBACK COMMUNITIES (ADMINISTRATION AND MANAGEMENT) BILL

This Bill sets a new framework for governance in the unincorporated areas of South Australia; that is, those areas, other than any areas excluded by regulation, not falling under the jurisdiction of a local council (as provided in the *Local Government Act 1999*). The Bill replaces the *Outback Areas Community Development Trust Act 1978*, providing for an incorporated body with enhanced responsibilities for overseeing the strategic management of and business planning for the outback region.

Those responsibilities will be underpinned and enabled by new powers to raise revenue to support the maintenance of existing infrastructure and the provision of services to the community; powers to take action to address pollution or nuisance through issuing orders provided for under the *Local Government Act 1999*; and it will provide for future powers to be granted to the new body by regulation, where appropriate, such as are deemed necessary to give the new body the necessary authority to deliver outcomes for the region.

Furthermore, to clearly denote the strategic and administrative link with the State Government, the new body will be renamed the Outback Communities Authority.

The Bill requires the new body to -

- give more long-term consideration to asset management and replacement;
- consider national and state objectives and strategies to inform its work;
- work collaboratively with governments at all levels;
- ensure it has robust processes in place for engaging outback communities and informing external decision making processes with implications for those communities; and
- provide an efficient service, remain accountable and manage its resources effectively.

(April 8, June 16, 18, July 14, December 1 - Act No. 75 of 2009)

PARLIAMENTARY REMUNERATION (BASIC SALARY DETERMINATIONS) AMENDMENT BILL

There are three key purposes of this Bill - firstly, to sever the connection between the salaries of State Members of Parliament and Federal Members of Parliament; secondly, to require that State Members' salaries are determined by the South Australian Remuneration Tribunal; and thirdly gives Members of Parliament a vote on whether there should be a salary adjustment.

(October 14 - Lapsed due to Prorogation)

PASSENGER TRANSPORT (DRIVER ACCREDITATION) AMENDMENT BILL

The purpose of this Bill is to amend the Passenger Transport Act to require taxi drivers to have one year's prior driving experience on an open Australian licence before they can obtain a taxi licence.

(February 18 - Lapsed due to Prorogation)

PETROLEUM (MISCELLANEOUS) AMENDMENT BILL

This Bill seeks to enhance the provisions of the Act to address both administrative matters and emerging issues in the petroleum and geothermal industry sectors.

Through the enhancement and strengthening of provisions, the Bill seeks to ensure that the South Australian *Petroleum Act 2000* continues to be widely recognised as regulatory best practice. More specifically, this Bill makes these improvements through the following key amendments. In respect of gas storage provisions, such provisions have been strengthened through the introduction of compatible gas storage tenements. In respect of over-the-counter licence applications, the Bill proposes modification to the Act to reflect that, following the submission of a valid over-the-counter petroleum exploration licence application, either the grant or a process leading to the grant will be offered to the applicant.

In terms of third party facility licensing, the Bill introduces a special facilities licence to allow third parties, who are not primary licence holders under the Act, to construct and operate facilities for the purpose of processing regulated substances. This new type of licence will encourage third party competition and can provide the necessary market to ensure existing facility tolls remain competitive.

(April 29, July 2, 14 - Act No. 35 of 2009)

REGULATING GOVERNMENT PUBLICITY BILL

The purpose of this Bill is to regulate government publicity by requiring that a government publicity committee be established, comprising the Auditor-General, the Ombudsman and an advertising expert appointed by the Auditor-General. The committee will produce guidelines based on directions given in schedule 1, and government publicity must comply with the guidelines. Any single advertising campaign exceeding \$50,000 in value must secure prior authorisation from the government publicity committee and no appropriation for government publicity may be included in the budget until it has been pre-approved by the committee.

If members of the public believe that a campaign does not comply with the guidelines, they will have the right to make a complaint to the committee to investigate it. The Bill also gives power to the committee if it sees fit, to seek an injunction against the government if it remains in breach of the guidelines.

(February 18 - Lapsed due to Prorogation)

RIGHT OF ASSEMBLY BILL

This Bill aims to confer a general right of assembly within the State of South Australia. The Bill also requires a report on the operation of this Act to be tabled in both Houses of Parliament each year. The Bill further seeks to allow protest organisers to appeal decisions made by Councils and other bodies to the Minister who could exempt the group from the laws under which they could be otherwise prosecuted.

(October 15 - Lapsed due to Prorogation)

RIVER TORRENS LINEAR PARK (LINEAR PARKS) AMENDMENT BILL

The *River Torrens Linear Park Act 2006* protects the integrity of the River Torrens Linear Park by controlling the sale or disposal of government land holdings adjacent to the River to ensure land remains in public ownership.

The recently imposed Urban Growth Boundary (UGB) and current planning to significantly increase densities within the UGB have highlighted the need to extend the controls that apply in the River Torrens Linear Park to other significant waterways in Metropolitan Adelaide to ensure the long term protection of what will become increasingly important community open space assets.

The Bill enables the Government to extend those controls to Government land holdings adjacent to the other significant waterways including -

- Gawler River;
- Little Para River;
- Dry Creek;
- Sturt River;
- Field River;
- Christie Creek;
- Onkaparinga River;
- Pedlar Creek; and
- Port Willunga Creek.

(April 30, June 16, July 2, 16, 17, December 3 - Act No. 80 of 2009)

ROXBY DOWNS (INDENTURE RATIFICATION) (OLYMPIC DAM EXPANSION) AMENDMENT BILL

This Bill seeks to extend the period of public comment for the proposed Olympic Dam expansion to a period of at least three months.

(March 4, 25 - Bill withdrawn)

SECOND-HAND VEHICLE DEALERS (COOLING-OFF RIGHTS) AMENDMENT BILL

This Bill amends the Second-hand Vehicle Dealers Act 1995 by introducing a cooling-off right on the sale of second-hand vehicles, with the following features -

- The cooling-off right does not apply to private sales, auction sales and purchases by companies or dealers.
- The cooling-off period will begin at the signing of the contract and expire at the end of two business days (defined to include Saturdays).
- The dealer is entitled to a non-refundable deposit from the purchaser of 2 per cent of the value of the vehicle up to a maximum of \$100.
- The dealer is entitled to offer a third party an option on a vehicle that is subject to a cooling-off period.
- The purchaser will be entitled to waive his or her rights to a cooling-off period (the mechanism for waiver will be set out in the regulations but is intended to involve the purchaser signing a waiver form that includes a warning notice).
- Legal title and physical possession of the vehicle remain with the dealer during the cooling-off period (although the dealer is required to allow the purchaser reasonable access to test drive or have the vehicle inspected).
- Legal title and physical possession of a trade-in vehicle offered by the purchaser remain with the purchaser until the completion of the cooling-off period.
- A credit contract entered into to finance the sale cannot take effect until the expiration of the cooling-off period and will be void if the contract for the purchase of the vehicle is rescinded.
- It will be an offence for the dealer to induce someone to waive their cooling-off right.

Secondly, to enhance the ability to prosecute unlicensed dealers, the definition of “dealer” is widened to include buying and exchanging of second-hand vehicles and a rebuttable presumption included that, if a second-hand vehicle is transferred into and out of a person’s name, that person bought and sold the vehicle. A rebuttable presumption is also created that a person and a close associate are dealers if the person and close associate buy or offer to buy or sell or offer for sale more than six second-hand vehicles, in aggregate, in a 12 month period.

The Bill also amends the existing rebuttable presumption that a person is a dealer if he or she sells, or offers or exposes for sale, four or more second-hand vehicles in a 12 month period by extending the presumption to the purchase as well as the sale of the second-hand vehicles.

Penalties in the Act have been increased to at least double and expiation fees increased to the maximum of \$315. A negative licensing scheme is also introduced for salespersons employed or otherwise involved in second-hand vehicle dealerships.

(May 14, June 4, July 2, 14, 16, 17, November 19 - Act No. 62 of 2009)

SERIOUS AND ORGANISED CRIME (CONTROL) (CLOSE PERSONAL ASSOCIATES) AMENDMENT BILL

This Bill seeks to replace the term 'close family members' in section 35(6)(a) and (b) of the Serious and Organised Crime (Control) Act with 'close personal associates'. A close personal associate is defined as an uncle or aunt, a first cousin and a boyfriend or girlfriend.

(June 17, September 9 - Bill withdrawn)

SERIOUS AND ORGANISED CRIME (CONTROL) (MISCELLANEOUS) AMENDMENT BILL

This Bill seeks to replace the term “close family members” in section 35(6)(a) and (b) of the Serious and Organised Crime (Control) Act with “close personal associates”. A close personal associate is defined as an uncle or aunt, a first cousin and a boyfriend or girlfriend. It also adds to it other categories of association and protection of association, including the provision of association on the grounds of community or church volunteering as a defence, and limits the operation of association to a member of an outlawed gang or a declared organisation [which under the current act applies that indefinitely - anyone who has ever been a member of a declared organisation could be subject to the provisions of the Serious and Organised Crime (Control) Act] - to a two year limit.

(September 23 - Lapsed due to Prorogation)

STATUTES AMENDMENT (ASSAULTS ON POLICE) BILL

This Bill provides, in respect of the type of assault on a police officer - for a common assault, a minimum of six months and a maximum penalty of five years; recklessly causing harm, a minimum of six months and a maximum penalty of seven years; intentionally causing harm, nine months minimum and 13 years maximum; recklessly causing serious harm, one year minimum and 19 years maximum; and intentionally causing serious harm (where they actually clearly intend to hurt an officer in a serious way), two years minimum with a maximum of 25 years. This minima cannot be suspended sentences, but, rather, sentences that must be served in gaol.

(June 3 - Lapsed due to Prorogation)

STATUTES AMENDMENT (BETTING OPERATIONS) BILL

This Bill seeks to amend the Authorised Betting Operations Act 2000 and the Lottery and Gaming Act 1936 to strengthen integrity arrangements for betting and racing, to provide a sustainable funding source for the racing industry and broaden consumer protection regulation to include interstate betting operators.

This Bill creates a process for the authorisation of interstate betting operators who have been licensed in another Australian jurisdiction. Authorised interstate betting operators can offer betting services to persons located in South Australia by telephone, internet or other electronic means, provided that they comply with South Australia’s consumer protection requirements which apply equally to South Australian licensees.

(November 13, 25, 26, 2008 - Act No. 47 of 2008)

STATUTES AMENDMENT (COUNCIL ALLOWANCES) BILL

This Bill requires the Remuneration Tribunal to determine local government allowances only once in every four-year local government term.

The Bill provides that a determination be made in a local government election year, and that allowances be varied in the next three years only by movements in the Consumer Price Index.

The process of making this determination must conclude no later than the day on which nominations open for local government elections. The purpose of having this timetable is so that a person considering nominating as a local government election candidate will be aware of the level of allowances associated with the position.

The Bill includes some provisions to guide the Tribunal in making its determinations; and to ensure that the cost of its deliberations is recovered from local government, rather than the State Government. The Bill also prevents the Tribunal from applying its determinations with retrospective effect.

(July 15, September 8, 24, December 3 - Act No. 66 of 2009)

STATUTES AMENDMENT (LOCATION OF GAMING VENUES) BILL

This Bill provides that a development authorisation may not be granted in relation to a prescribed development proposed to be undertaken on land that is adjacent land in relation to a gaming venue. A prescribed development is defined as a school, preschool, childcare centre or a shopping complex.

(October 15, November 27 - Lapsed due to Prorogation)

STATUTES AMENDMENT (PLAY TRACKING TECHNOLOGY) BILL

The purpose of this Bill is to implement a mandatory electronic “smartcard” system enabling the tracking of a person’s play on poker machines. The technology would allow for the setting of limits and exclusion from play with a view to reducing the levels of problem gambling in South Australia. The Bill was based on a Report prepared by the Independent Gambling Authority’s Inquiry into Smartcard Technology, 2005.

(September 24 - Lapsed due to Prorogation)

STATUTES AMENDMENT (POWER TO BAR) BILL

Originally titled the Liquor Licensing (Power to Bar) Amendment Bill, this Bill amends the Liquor Licensing Act 1997 to give police officers of a specified rank the power to make an order to bar. This amendment gives police sergeants the power to bar people for 72 hours for committing an offence or for disorderly or offensive behaviour in or around licensed premises and police inspectors will be able to bar for longer periods up to 3 months. Authorisations to police officers are subject to certain restrictions set out in new section 125B of the Bill. It is also proposed that police will be required to provide relevant licensees with information on the barring that identifies a person who has been barred.

Section 28A of the Act provides that police may rely on criminal intelligence when lodging objections to applications or in disciplinary matters. In such cases, the objection or application need state only that it would be contrary to the public interest if the person were to be, or continue to be, licensed or approved.

The proposed insertion of section 128A will require the Liquor and Gambling Commissioner to report annually to the Minister in relation to barring orders made by licensees in force for an indefinite period or a period exceeding 6 months, barring orders made by the Commissioner of Police based on criminal intelligence, and the number of reviews of orders conducted under section 128 and the outcome of such review. The Minister must cause copies of the report to be laid before each House of Parliament.

The Bill inserts new section 45A into Part 4 Division 7 of the Casino Act 1997. New section 45A gives the Commissioner of Police the power to bar a person from the Casino by written order for a period specified in the order on any reasonable ground. Subject to the non-disclosure of criminal intelligence, a barring order must set out the grounds on which the order is made and the barred person’s right to have the order reviewed. A copy of the order must be served on the barred person and on the licensee (along with information that identifies the barred person). A barred person who enters or remains on the casino while a barring order is in force is guilty of an offence. Reasonable force may be used to eject a barred person from the casino. The Commissioner of Police may delegate his power under section 45A, but only to a Deputy Commissioner or Assistant Commissioner of Police.

(October 16, 28, November 11, 13, 25, 26 - Act No. 48 of 2008)

STATUTES AMENDMENT (SURROGACY) BILL

The purpose of this Bill is to legalise surrogacy for heterosexual married and *de facto* couples within the State of South Australia. This Bill will also amend the Birth, Deaths and Marriages Registrations Act 1996 and the Reproductive Technology (Clinical Practices) Act 1988.

(Restored in House of Assembly and returned to Legislative Council with amendments - November 19 - Act No. 64 of 2009)

STATUTES AMENDMENT (TRANSPORT PORTFOLIO - ALCOHOL AND DRUGS) BILL

The Bill combines two initiatives: introducing a mandatory alcohol interlock scheme and implementing the government's response to the review of the first year of operation of the Road Traffic (Drug Driving) Amendment Act 2005.

In relation to drug driving reforms, on 1 July 2006 the Road Traffic (Drug Driving) Amendment Act 2005 (the amendment act) came into operation. It gave effect to the South Australian Government's commitment to take strong measures against individuals who choose to use illegal drugs and then drive. The amendment act empowers South Australia Police (SAPOL) to conduct roadside saliva testing for the prescribed drugs of THC, methylamphetamine and MDMA.

While most of the amendments are minor changes to improve the efficiency of the provisions, those of particular note are -

- introducing a three-month licence disqualification for the first conviction by a court of driving with a prescribed drug present in the driver's oral fluid or blood, with a similar change for a category 1 BAC offence. The Road Traffic Act 1961 provides that a first offence must be dealt with in the first instance by the issue of an expiation notice. This means that a driver gets one chance to avoid disqualification. If detected again within a prescribed number of years, the offence will be prosecuted and, if successful, the driver disqualified for three months. As a result, the disqualification periods for second, third and subsequent category 1 offences have been increased to six, nine and 12 months to provide for appropriately escalating penalties;
- counting prior alcohol-related driving offences in the determination of whether a drug driving offence is a 'subsequent' offence and vice versa;
- lowering the age of all people attending or admitted to a hospital as a result of a vessel or motor vehicle accident from whom a blood sample must be taken under section 74 of the Harbors and Navigation Act 1993 or section 47I of the Road Traffic Act 1961, from over 14 to over 10 years of age;
- requiring a drug dependency assessment in cases where a person has a second drug offence within a five year period and, if dependent, have the licence cancelled until further assessment indicates the person is no longer dependent;
- enabling SAPOL to test vessel operators for prescribed drugs. At the same time, the alcohol testing provisions of the Harbors and Navigation Act 1993 are brought closely into line with the provisions of the Road Traffic Act 1961 to aid consistency in administration and legal interpretation;
- providing for the transport of oral fluid and blood samples by an approved agent of SAPOL;
- introducing immediate loss of licence for a period of six months as a penalty for the offence of refusing or failing to submit to a drug test;
- enabling a police officer, under section 47EAA2(b) of the Road Traffic Act 1961, to require a person to submit to a blood test in the event that the oral fluid (saliva) analysis commences but is unable to be completed;
- including in section 47K of the Road Traffic Act 1961 evidentiary provisions to support drug screening tests in addition to oral fluid analysis.

The Bill provides that, in future, drivers convicted of a serious drink driving offence will have to serve the full period of court-imposed licence disqualification and then have an alcohol interlock device installed for the same length of time as the disqualification period, up to a maximum of 3 years, before being eligible to apply for a driver's licence without alcohol interlock scheme conditions.

A serious drink driving offence is defined in the Bill as -

- a second or subsequent BAC offence at or above 0.08 (category 2 BAC) within five years;
- driving with BAC at or above 0.15 (category 3 BAC);
- driving under the influence of intoxicating liquor (DUI-alcohol); or
- refusing or failing to provide a sample of breath or blood for the purposes of alcohol testing.

This Bill will improve the operation of the existing drug driving provisions of the legislation, and introduce a scheme to ensure that serious drink drivers cannot drink and drive.

(November 12, 2008, February 3, 5, 17, March 4, 12 - Act No. 8 of 2009)

STATUTES AMENDMENT AND REPEAL (FAIR TRADING) BILL

This Bill aims to promote recreation and sporting activities in this State in a way that protects the interests of both consumers and service providers.

The Statutes Amendment and Repeal (Fair Trading) Bill repeals the *Recreational Services (Limitation of Liability) Act 2002* and replaces it with a scheme that does not require service providers to develop and register safety codes. This will not excuse service providers from having to put safety measures in place to protect consumers. Under the Bill recreation providers carrying on business will be required to supply services with due care and skill and will not be able to escape liability for reckless conduct.

In addition to reforms to assist recreation providers, the provisions of the *Consumer Transactions Act 1972* will be updated in line with similar Commonwealth provisions and brought into South Australia's primary consumer protection legislation, the *Fair Trading Act 1987*. The Bill will also extend and strengthen the powers of the Commissioner for Consumer Affairs.

There have been concerns from recreation providers that the current law does not adequately support the industry. The main concern of service providers is that it is difficult, costly and time consuming to develop and register a safety code. The Bill addresses these concerns by repealing the *Recreational Services (Limitation of Liability) Act 2002*.

Recreation providers, like other service providers, will be subject to the implied warranty provisions of the *Fair Trading Act 1987*. New section 74G establishes a warranty that services will be rendered with due care and skill.

This warranty will only be implied into *contracts* for the supply of services in the *course of a business*. The meaning of the term business is wide, and is defined to include not-for-profit groups. The proposed statutory warranties will therefore apply to sporting clubs and associations that charge membership fees and which have systems and procedures in place for the repetitive provision of services to members.

In response to the concerns of those in the recreation industry, the Bill provides for recreation providers to modify, exclude or restrict the warranty implied into contracts under section 74G of the *Fair Trading Act 1987*. There are, however, some restrictions.

Service providers will not be able to modify, exclude or restrict their liability under section 74G for significant injuries that result from reckless conduct. Waivers must also contain prescribed particulars, be in the prescribed form and be agreed to by the consumer in the prescribed manner to be effective. These restrictions on the modification, exclusion or restriction of liability will help consumers who sustain serious injury as the result of reckless conduct.

The Bill repeals the *Consumer Transactions Act 1972* and includes in the *Fair Trading Act 1987* updated warranties and conditions which will bring South Australia's legislation into line with the Commonwealth Trade Practices Act. Several other jurisdictions have already made similar changes to their fair trading legislation. Importantly, the implied warranty to provide services with due care and skill will now apply to a much wider range of services.

In addition, several provisions of the *Consumer Transactions Act 1972* which do not relate to implied warranties and conditions will be transferred across to the *Fair Trading Act 1987*. The main provision states that the dimensions of the print type in a contract for the supply of goods or services to a consumer in the course of a business may be prescribed by regulation. The purpose is to ensure that such contracts are clear and legible.

The Bill reflects the outcome of the *Fair Trading Act 1987* review process. The Commissioner for Consumer Affairs will have the power to require traders to attend conciliation of a consumer/trader dispute enforced by a monetary penalty (to be expiable where the value of the goods or services in dispute is \$1,000 or less). While there is no obligation on the parties to reach an agreement, if the parties do reach a conciliated agreement, that agreement is enforceable in the Magistrates Court by the parties or the Commissioner.

The Commissioner will have the power to seek positive assurances from traders to engage in particular conduct and not only assurances to refrain from certain conduct as is the case now (for example a trader may be asked to undertake a particular training course).

The powers of authorised officers to obtain information, to enter and inspect vehicles and vessels and to compel persons to attend a meeting and answer questions will be increased. The Commissioner will also have the power to suspend the licence of certain licensed traders for up to six months in certain circumstances.

(November 26, 2008, March 3, 26, April 8, 28, 30, July 16, 17 - Act No. 39 of 2009)

STATUTES AMENDMENT AND REPEAL (TRADE MEASUREMENT) BILL

This Bill gives effect to the policy decision of the Council of Australian Governments (COAG) to introduce a national system of trade measurement.

The *National Measurement Amendment Act 2008* came into operation on 1 July 2009 and provides the legislative basis for the Commonwealth to establish and operate a single national trade measurement system based on the uniform legislation.

The Commonwealth has appointed the National Measurement Institute (NMI) which is part of the Department of Innovation, Industry, Science and Research to coordinate Australia's national measurement system. This Bill gives effect to enable the NMI to begin providing national trade measurement services on 1 July 2010.

The major provisions of the Bill include -

- the repeal of the Trade Measurement Act 1993;
- the repeal of the Trade Measurement Administration Act 1993; and
- transitional provisions to provide that trade measurement documents and information relating to the administration or enforcement of those Acts may be provided to the Commonwealth for the purpose of the administration and enforcement of the National Measurement Act 1960.

The Bill makes a minor consequential amendment to the *Natural Resources Management Act 2004*.

(September 23, October 13, 15, 27, December 3 - Act No. 82 of 2009)

SUBORDINATE LEGISLATION (MISCELLANEOUS) AMENDMENT BILL

The Bill seeks to amend the Subordinate Legislation Act, to prevent regulations from being reintroduced immediately after they have been disallowed; to allow either House of Parliament to disallow part of a regulation; to vary or substitute regulations; and to replace the current tests necessary and appropriate for a certificate of early commencement to a test of exceptional circumstances.

(October 14, December 3 - Lapsed due to Prorogation)

SUMMARY OFFENCES (PIERCING AND SCARIFICATION) AMENDMENT BILL

The Bill retains the total prohibition on tattooing minors under the age of 18 and adds the prohibition on the scarification and branding of minors. It also provides that a piercing cannot be performed unless the minor is accompanied by a parent or guardian who consents to the procedure. A minor in this regard is a person under the age of 18 years. It does not apply in relation to piercing of the earlobes or a piercing performed for a medical or therapeutic purpose.

(September 24, October 29, November 13 - Lapsed due to Prorogation)

VALUATION OF LAND (MISCELLANEOUS) AMENDMENT BILL

This Bill clarifies many points in the *Valuation of Land Act 1971*, making the process more transparent and reducing red tape and bureaucratic processes.

Landowners will have free and open access to the information that the valuers themselves use to arrive at their valuations, together with more information at their disposal to assess whether or not they agree with the valuation of their property.

The Bill ensures that the Valuer-General's valuations are relative to one another, thus satisfying the long accepted principle of fairness and equity in the valuation, rating and taxing base.

The Bill also seeks to clarify and refine the application of notional or actual use valuations for heritage listed properties to ensure that they receive the intended valuation. This ensures that the properties retain their character for as long as possible, rather than being forced into subdivision and progressively sold off as a result of ever increasing rates and taxes.

(February 4, May 13, June 3, December 1 - Act No. 76 of 2009)

VICTIMS OF ABUSE IN STATE CARE (COMPENSATION) BILL

This Bill establishes a scheme for the payment of statutory compensation to persons who have suffered abuse or neglect while in State care. As the Bill provides for "a payment to be made out of the Consolidated Account (which is appropriated to the necessary extent)", the President ruled that it was a money bill and therefore could not be introduced in the Legislative Council.

(March 25 - Bill laid aside)

VICTIMS OF ABUSE IN STATE CARE (COMPENSATION) BILL

The Bill establishes a scheme for the determination of claims for payment of statutory compensation to persons who have suffered abuse or neglect while in State care.

(April 8, July 15, September 23 - Lapsed due to Prorogation)

VICTIMS OF CRIME (ABUSE IN STATE CARE) AMENDMENT BILL

The Bill proposes to allow for a payment of up to \$80,000 for victims who have been abused in State care.

The Bill makes clear that the Attorney-General must not use ex gratia payments as an opportunity to advance the interests of the state. Receipt of a compensation payment must not be conditional upon a victim entering into a confidentiality agreement or forgoing other legal entitlements.

The Bill provides for an individualised apology to victims that must refer to the circumstances of abuse or neglect suffered and must acknowledge that such abuse was allowed to occur because of the State's breach of duty of care. However, it is made clear that such an apology cannot be used against the State in later civil proceedings.

The Bill also provides that, in addition to any compensation paid, the Attorney-General is to provide payment for any legal costs reasonably incurred as a result of a victim's application for compensation under the fund.

(October 28, December 3 - Lapsed due to Prorogation)

WHISTLEBLOWERS PROTECTION (MISCELLANEOUS) AMENDMENT BILL

The Bill adds two main provisions to the Whistleblowers Protection Act. One relates to scientific misconduct and the other gives protection to people who go to the media.

(April 8, June 17, July 15, - Lapsed due to Prorogation)

WILLUNGA BASIN PROTECTION BILL

The Bill provides special planning and development procedures to protect the amenity of the Willunga Basin including the establishment of a committee to formulate a development plan for the Willunga Basin, which would have a greater force in law than the Onkaparinga Council Development Plan.

(February 18, May 13, October 14 - Lapsed due to Prorogation)

WORKERS REHABILITATION AND COMPENSATION (CHANGES TO SCHEME REVIEW PROVISIONS) AMENDMENT BILL

The Bill reinstates the original 100 per cent weekly payments and removes the step-downs and also strengthens the requirements in considering decisions about weekly payments upon rehabilitation and return to work. The Bill also requires that there be better consultation with relevant industry sectors if levies are to be increased.

(February 18, December 3 - Negatived in Legislative Council)

WORKERS REHABILITATION AND COMPENSATION (INCOME MAINTENANCE) AMENDMENT BILL

The Bill ensures that payments for workers, whose claims are the subject of a dispute, are continued until such time as the dispute had been resolved, includes a safety net for the lowest paid workers to ensure that no worker receives income maintenance payments that are less than the State's minimum wage and ensures that retraining and rehabilitation is provided to injured workers before they are made to undergo a work capacity review.

The Bill also removes the step down arrangements, removes the five per cent impairment test that applies to injured workers in relation to their impairment before lump sum payments can be made and enshrines the ability of workers to make sure that their condition is properly assessed.

(September 23, December 3 - Negatived in Legislative Council)