



# **LEGISLATIVE COUNCIL**

OF

**SOUTH AUSTRALIA**

## **STATISTICS**

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

24 April 2007 to 14 August 2008

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## MEMBERS OF THE LEGISLATIVE COUNCIL

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The Hon. ROBERT KENNETH SNEATH

(President of the Legislative Council)

The Hon. ANN MARIE BRESSINGTON

The Hon. ROBERT LAWRENCE BROKENSHIRE, J.P. (Elected 24 July 2008)

The Hon. JOHN ANDREW DARLEY, J.P. (Elected 21 November 2007)

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

The Hon. ANDREW LEE EVANS, O.A.M. (Resigned 3 July 2008)

The Hon. BERNARD VINCENT FINNIGAN, B.A.

The Hon. GAIL ELIZABETH GAGO

(Minister for Environment and Conservation;  
Minister for Mental Health and Substance Abuse;  
Minister assisting the Minister for Health)

The Hon. JOHN MARIO GAZZOLA

The Hon. PAUL HOLLOWAY, B.Sc., B.E.(Hons.), B.Ec.

(Minister for Police;  
Minister for Mineral Resources Development;  
Minister for Urban Development and Planning)

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.

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. RUSSELL PAUL WORTLEY

The Hon. NICHOLAS XENOPHON, LL.B. (Resigned 15 October 2007)

The Hon. CARMEL ZOLLO

(Minister for Emergency Services,  
Minister for Correctional Services,  
Minister for Road Safety,  
Minister Assisting the Minister for Multicultural Affairs)

## OFFICERS OF THE LEGISLATIVE COUNCIL

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*PRESIDENT*

The Hon. Robert Kenneth SNEATH, M.L.C.

*THE CLERK OF THE COUNCIL*

Mrs. Janice M. DAVIS, A.M., B.A.(Juris.),  
J.P.

*THE DEPUTY CLERK AND  
USHER OF THE BLACK ROD*

Mr. Trevor R. BLOWES, B.A.  
(Deceased 28 July 2008)

*THE CLERK-ASSISTANT*

Mr. Christopher D. SCHWARZ,  
B.A.(Comm.), Grad.Dip.Soc.Sc.  
(Pol.Admin.)

*THE PARLIAMENTARY OFFICER*

Ms. Noeleen M. RYAN, B.A.  
(Resigned 3 August 2007)  
Mr. Guy D. DICKSON,  
B.A., Grad.Dip.Info.St.  
(Appointed 10 September 2007)

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

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**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

\*Appointed 24 April 2007

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

Miss C FoxMP  
Mrs R K Geraghty MP  
Mrs I Redmond MP

\*Appointed 21 November 2007

Committee Secretary: Mr. G. Kosmas, B.Arch.St., B.A.(Hons.), LL.B., G.D.L.P. (to 1 July 2008)  
Ms. L. Guy, LL.B. (Acting Secretary)

**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 B V Finnigan MLC  
The Hon I K Hunter MLC

The Hon R I Lucas MLC\*  
The Hon T J Stephens MLC

\*Appointed 24 April 2007

\*\*Appointed 21 November 2007

Committee Secretary: Mr. G. Hickery, B.Ec.

## **OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION COMMITTEE**

Appointed 2 May 2006

The Hon J A Darley MLC**	Mr T R Kenyon MP
The Hon B V Finnigan MLC	Mr T Koutsantonis MP
The Hon T G Stephens MLC*	Mr D G Pisoni MP

\*Appointed 24 April 2007

\*\*Appointed 21 November 2007

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 Police)	The Hon M J Atkinson MP (Attorney-General)
The Hon S M Kanck MLC*	The Hon R G Kerin MP
The Hon R D Lawson MLC	Ms L A Simmons MP

\*Appointed 21 November 2007

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

## **NATURAL RESOURCES COMMITTEE**

Appointed 2 May 2006

The Hon S M Kanck MLC	The Hon G M Gunn MP
The Hon C V Schaefer MLC	The Hon S W Key MP
The Hon R P Wortley MLC	Mr J R Rau MP*
	The Hon L Stevens MP

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

## **COMMITTEE APPOINTED UNDER ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE ACT 2003**

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## **ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE**

Appointed 2 May 2006

The Hon R L Brokenshire MLC**	The Hon J Weatherill MP (Minister for Aboriginal Affairs and Reconciliation)
The Hon J M Gazzola MLC	Ms L R Breuer MP
The Hon T J Stephens MLC*	Dr D McFetridge MP
	The Hon L Stevens MP

\*Appointed 24 April 2007

\*\*Appointed 24 July 2008

Executive/Research Officer: Ms S. Alpers, LL.B., G.D.L.P., Dip.C.T.A.(Lond.)

## **JOINT COMMITTEE**

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### **JOINT PARLIAMENTARY SERVICE COMMITTEE**

Appointed 2 May 2006

The President (The Hon R K Sneath MLC)	The Speaker (The Hon J J Snelling MP)
The Hon JSL Dawkins MLC	Mrs R K Geraghty MP
The Hon J M Gazzola MLC	The Hon G M Gunn MP

## **SESSIONAL COMMITTEES**

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### **STANDING ORDERS COMMITTEE**

Appointed 24 April 2007

The President (The Hon R K Sneath MLC)	The Hon R I Lucas MLC
The Hon J M Gazzola MLC	The Hon D W Ridgway MLC
The Hon P Holloway MLC (Minister for Police)	

### **PRINTING COMMITTEE**

Appointed 24 April 2007

The Hon J M Gazzola MLC	The Hon T J Stephens MLC
The Hon I K Hunter MLC	The Hon R P Wortley MLC
The Hon C V Schaefer MLC	

## **SELECT COMMITTEES**

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### **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 D W Ridgway MLC
The Hon B V Finnigan MLC	The Hon R P Wortley MLC
The Hon R I Lucas MLC	

\*Appointed 21 November 2007

**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

**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

\*Appointed 21 November 2007

**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

\*Appointed 24 July 2008

**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

**PRINCE ALFRED COLLEGE INCORPORATION (CONSTITUTION OF COUNCIL) AMENDMENT BILL**

Appointed 27 September 2007

The Hon C Zollo MLC  
(Minister for Emergency Services)  
The Hon JSL Dawkins MLC

The Hon I K Hunter MLC  
The Hon R I Lucas MLC  
The Hon N Xenophon MLC

Reported 16 October 2007

**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

**SA WATER**

Appointed 26 September 2007

The Hon A M Bressington MLC  
The Hon I K Hunter MLC  
The Hon M C Parnell MLC

The Hon C V Schaefer MLC  
The Hon S G Wade MLC  
The Hon R P Wortley MLC

**SELECTION PROCESS FOR THE PRINCIPAL AT THE ELIZABETH VALE PRIMARY SCHOOL**

Appointed 21 June 2006

The Hon A M Bressington MLC  
The Hon JSL Dawkins MLC  
The Hon B V Finnigan MLC

The Hon C V Schaefer MLC  
The Hon R P Wortley MLC  
The Hon N Xenophon MLC\*

\*Resigned 14 October 2007  
Reported 3 July 2008

**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

**COMMITTEE APPOINTED PURSUANT TO RESOLUTION OF THE COUNCIL**

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**BUDGET AND FINANCE**

Appointed 28 March 2007

The Hon B V Finnigan MLC\*  
The Hon DGE Hood MLC  
The Hon R I Lucas MLC

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

\*Appointed 25 September 2007

**SECOND SESSION OF THE FIFTY-FIRST PARLIAMENT**  
**PERIOD FROM 24 APRIL 2007 TO 14 AUGUST 2008**

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**TOTAL NUMBER OF BILLS CONSIDERED BY LEGISLATIVE COUNCIL**

Legislative Council origin	74
House of Assembly origin	<u>72</u>
	<b>146</b>

**TOTAL NUMBER OF BILLS PASSED BY BOTH HOUSES**

Legislative Council origin	18
House of Assembly origin	<u>62</u>
	<b>80</b>

**BILLS CONSIDERED BY COUNCIL WHICH HAVE NOT PASSED BOTH HOUSES**

**Legislative Council origin:**

- Adelaide Park Lands (Facilitation of Development of Victoria Park Amendment - negated in House of Assembly.
- Bail (Discretion) Amendment - lapsed in Council.
- Building and Construction Industry Security of Payment - lapsed in Council.
- Constitution (Casual Vacancies) Amendment - negated in Council.
- Controlled Substances (Cultivation of Controlled Plants) Amendment - lapsed in House of Assembly.
- Controlled Substances (Palliative Use of Cannabis) Amendment - lapsed in Council.
- Criminal Law Consolidation (Reasonable Chastisement of Children) Amendment - lapsed in Council.
- Criminal Law Consolidation (Serious Criminal Trespass) Amendment - lapsed in House of Assembly.
- Criminal Law (Sentencing) (Abolition of Suspended Sentences for Subsequent Serious Offences) Amendment - lapsed in Council.
- Development (Political Donations) Amendment - negated in Council.
- Development (Regulated Trees) Amendment - lapsed in Council.
- Education (Parental Notification of Non-attendance) Amendment - lapsed in Council.
- Education (Random Drug Testing) Amendment - lapsed in Council.
- Electoral (Advertising Cost) Amendment - lapsed in Council.
- Environment Protection (Commissioner for the Environment) Amendment - negated in Council.
- Food (Labelling - Genetically Modified Products) Amendment - lapsed in Council.
- Gaming Machines (Club One) Amendment - lapsed in Council.
- Gaming Machines (Hours of Operation) Amendment - negated in Council.
- Genetically Modified Crops Management (Extension of Controls) Amendment - withdrawn in Council.
- Genetically Modified Crops Management (Right to Damages) Amendment - lapsed in Council.
- Independent Commission Against Crime and Corruption - lapsed in Council.
- Local Government (Notice of Meetings) Amendment - lapsed in Council.
- Lottery and Gaming (Betting on Losing) Amendment - lapsed in Council.
- Marble Hill (Protection) - lapsed in House of Assembly.
- Mental Health - lapsed in Council.
- Monitored Treatment Programs - withdrawn in Council.
- Motor Vehicles (Drug Testing of Learner Drivers) Amendment - lapsed in Council.
- Motor Vehicles (Expiation of Offences) Amendment - lapsed in House of Assembly.
- National Parks and Wildlife (Mining in Sanctuaries) Amendment - negated in Council.
- Nuclear Waste Storage Facility (Prohibition) (Prohibition of Other Nuclear Facilities) Amendment - negated in Council.
- Parliamentary Remuneration (Basic Salary Determinations) Amendment - lapsed in Council.
- Passenger Transport (Disciplinary Powers) Amendment - lapsed in House of Assembly.
- Plastic Shopping Bags (Waste Avoidance) - lapsed in Council.
- Protection of Public Participation - lapsed in Council.

Right of Assembly - lapsed in Council.  
Road Traffic (Compulsory Blood Tests) Amendment - lapsed in Council.  
Road Traffic (Previous Convictions) Amendment - lapsed in Council.  
Roxby Downs (Indenture Ratification) (Application of Acts) Amendment - lapsed in Council.  
Security and Investigation Agents (Crowd Controller Licence Suspension) Amendment - lapsed in Council.  
South Australian Motor Sport (Construction of Permanent Buildings) Amendment - lapsed in Council.  
Statutes Amendment (Ethical Investment - State Superannuation) - negatived in House of Assembly.  
Statutes Amendment (Gambling Regulation) - lapsed in Council.  
Statutes Amendment (Gangs) - lapsed in Council.  
Statutes Amendment (Location of Gaming Venues) - lapsed in Council.  
Statutes Amendment (Minimum Sentences) - lapsed in Council.  
Statutes Amendment (Play Trading Technology) - lapsed in Council.  
Statutes Amendment (Surrogacy) - lapsed in House of Assembly.  
Statutes Amendment (Water Conservation Target and Sustainable Water Resources) - referred to a Select Committee.  
Summary Offences (Drug Testing on Arrest) Amendment - lapsed in Council.  
Summary Offences (Medical Examination of Suspects) Amendment - lapsed in Council.  
Summary Offences (Piercing and Scarification) Amendment - lapsed in Council.  
Summary Offences (Schoolies Events) Amendment - lapsed in Council.  
Tobacco Products Regulation (A Smoke-Free Adelaide) Amendment - lapsed in Council.  
Tobacco Products Regulation (Indirect Orders) Amendment - Bill withdrawn in House of Assembly.  
Tobacco Products Regulation (Outdoor Eating Areas) Amendment - lapsed in Council.  
Tobacco Products Regulation (Prohibition on Smoking in Children's Recreational Parks) Amendment - lapsed in Council.  
Victims of Crime (Victim Participation) Amendment - lapsed in Council.  
Waterworks (Making of Restrictions) Amendment - lapsed in Council.

**House of Assembly origin:**

Child Sex Offenders Registration (Registration of Internet Activities) Amendment - lapsed in Council.  
Civil Liability (Food Donors and Distributors) Amendment - lapsed in Council.  
Classification (Publications, Film and Computer Games) (Classification Process) Amendment - lapsed in Council.  
Criminal Law (Sentencing) (Victims of Crime) Amendment - Bill laid aside.  
Legal Profession - lapsed in Council.  
Psychological Practice - lapsed in House of Assembly.  
Statutes Amendment and Repeal (Taxation Administration) - lapsed in Council.  
Summary Offences (Indecent Filming) Amendment - lapsed in Council.

**SITTINGS OF COUNCIL**

The Council met on 68 days and sat for a total number of 460 hours 43 minutes.

**SECOND SESSION OF THE FIFTY-FIRST PARLIAMENT**  
**LIST OF BILLS WHICH PASSED BOTH HOUSES OF PARLIAMENT**  
**DURING THE PERIOD FROM 24 APRIL 2007 TO 14 AUGUST 2008**

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**ORIGINATED IN THE LEGISLATIVE COUNCIL**

	<b>Bill No.</b>	<b>Act No.</b>
Climate Change and Greenhouse Emissions Reduction	41	22 of 2007
Controlled Substances (Drug Detection Powers) Amendment	105, 105A	33 of 2008
Correctional Services (Miscellaneous) Amendment	30	26 of 2007
Environment Protection (Board of Authority) Amendment	97	14 of 2008
Environment Protection (Miscellaneous) Amendment	113, 113A	35 of 2008
Environment Protection (Site Contamination) Amendment	6, 6A	44 of 2007
Firearms (Firearms Prohibition Orders) Amendment	108, 108A	15 of 2008
Lake Eyre Basin (Intergovernmental Agreement) (Ratification of Amendments) Amendment	89	2 of 2008
Marine Parks	44, 44A	60 of 2007
Motor Vehicles (Miscellaneous) Amendment	70, 70A	59 of 2007
Natural Resources Management (Water Resources and Other Matters) Amendment	18, 18A	24 of 2007
Prevention of Cruelty to Animals (Animal Welfare) Amendment	55, 55A	21 of 2008
Protective Security	7	25 of 2007
Residential Parks	38	19 of 2007
Summary Offences (Drug Paraphernalia) Amendment	77	11 of 2008
Summary Procedure (Paedophile Restraining Orders) Amendment	10, 10A	38 of 2007
Tobacco Products Regulation (Miscellaneous) Amendment	67, 67A	58 of 2007
West Beach Recreation Reserve (Boating Facilities) Amendment	54	39 of 2007

**ORIGINATED IN THE HOUSE OF ASSEMBLY**

	<b>Bill No.</b>	<b>Act No.</b>
Adelaide Festival Centre Trust (Financial Restructure) Amendment	121	18 of 2008
Appropriation	45	30 of 2007
Appropriation	138	36 of 2008
Australian Energy Market Commission Establishment (Consumer Advocacy Panel) Amendment	76	49 of 2007
Collection for Charitable Purposes (Miscellaneous) Amendment	56, 56A	41 of 2007
Commission of Inquiry (Children in State Care) (Children on APY Lands) Amendment	32, 32A	21 of 2007
Controlled Substances (Controlled Drugs, Precursors and Cannabis) Amendment	128	32 of 2008
Controlled Substances (Possession of Prescribed Equipment) Amendment	83	50 of 2007
Correctional Services (Application of Truth in Sentencing) Amendment	139	31 of 2008
Criminal Assets Confiscation (Serious Offences) Amendment	39	43 of 2007
Criminal Law (Clamping, Impounding and Forfeiture of Vehicles)	29, 29A	29 of 2007
Criminal Law Consolidation (Double Jeopardy)	107, 107A	28 of 2008
Criminal Law Consolidation (Rape and Sexual Offences) Amendment	99, 99A	10 of 2008
Criminal Law (Sentencing) (Dangerous Offenders) Amendment	2, 2A	27 of 2007
Education (Compulsory Education Age) Amendment	86	51 of 2007
Election of Senators (Close of Rolls) Amendment	74	37 of 2007
Electricity (Feed-In Scheme - Residential Solar Systems) Amendment	71, 71A	1 of 2008

	<b>Bill No.</b>	<b>Act No.</b>
Harbors and Navigation (Australian Builders Plate) Amendment	40	23 of 2007
Health Care	82, 82A	3 of 2008
Julia Farr Services (Trusts)	33, 33A	34 of 2007
Landlord and Tenant (Distress for Rent - Health Records Exemption) Amendment	117	37 of 2008
Liquor Licensing (Certificates of Approval) Amendment	90	52 of 2007
Local Government (Superannuation Scheme) Amendment	126	29 of 2008
Murray-Darling Basin (Amending Agreement) Amendment	49	31 of 2007
National Electricity (South Australia) (National Electricity Law - Miscellaneous Amendments) Amendment	75	53 of 2007
National Gas (South Australia)	124	19 of 2008
Occupational Health, Safety and Welfare (Penalties) Amendment	31, 31A	54 of 2007
Pay-roll Tax (Harmonisation Project) Amendment	127	20 of 2008
Penola Pulp Mill Authorisation	62, 62A	40 of 2007
Prince Alfred College Incorporation (Constitution of Council) Amendment	73	42 of 2007
Private Parking Areas (Penalties) Amendment	91	55 of 2007
Public Finance and Audit (Certification of Financial Statements) Amendment	46	32 of 2007
Rail Safety	72	46 of 2007
Road Traffic (Heavy Vehicle Driver Fatigue) Amendment	119	22 of 2008
Santos Limited (Deed of Undertaking)	87	56 of 2007
Senior Secondary Assessment Board of South Australia (Review) Amendment	80, 80A	6 of 2008
Serious and Organised Crime (Control)	100, 100A	13 of 2008
South Australian Ports (Disposal of Maritime Assets) (Miscellaneous) Amendment	65	36 of 2007
Stamp Duties (Trusts) Amendment	115	23 of 2008
Statute Law Revision	111	9 of 2008
Statutes Amendment (Advisory Panels Repeal)	98	5 of 2008
Statutes Amendment (Affordable Housing)	1, 1A	20 of 2007
Statutes Amendment and Repeal (Institute of Medical and Veterinary Science)	123	24 of 2008
Statutes Amendment (Budget 2007)	42	33 of 2007
Statutes Amendment (Budget 2008)	137	34 of 2008
Statutes Amendment (Evidence and Procedure)	104	7 of 2008
Statutes Amendment (Investigation and Regulation of Gambling Licensees)	53	45 of 2007
Statutes Amendment (Petroleum Products)	48	35 of 2007
Statutes Amendment (Police Superannuation)	109, 109A	25 of 2008
Statutes Amendment (Public Order Offences)	106	8 of 2008
Statutes Amendment (Real Estate Industry Reform)	4, 4A	28 of 2007
Statutes Amendment (Real Property)	110, 110A	12 of 2008
Statutes Amendment (Transition to Retirement - State Superannuation)	47, 47A	4 of 2008
Statutes Amendment (Transport Portfolio)	120	26 of 2008
Statutes Amendment (Victims of Crime)	68, 68A	48 of 2007
Statutes Amendment (Young Offenders)	88	57 of 2007
Supply	3	18 of 2007
Supply	125	27 of 2008
Training and Skills Development	130	30 of 2008
Victims of Crime (Commissioner for Victims' Rights) Amendment	66	47 of 2007
WorkCover Corporation (Governance Review) Amendment	118, 118A	16 of 2008
Workers Rehabilitation and Compensation (Scheme Review) Amendment	116, 116A	17 of 2008



## LIST OF HOUSE OF ASSEMBLY BILLS AMENDED BY LEGISLATIVE COUNCIL

(From 24 April 2007 to 14 August 2008)

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
Collection for Charitable Purposes (Miscellaneous) Amendment	2	2	-	-	-	-
Commission of Inquiry (Children in State Care) (Children on APY Lands) Amendment	1	1	-	-	-	-
Criminal Law (Clamping, Impounding and Forfeiture of Vehicles)	5	5	-	-	-	-
Criminal Law Consolidation (Double Jeopardy)	18	18	-	-	-	-
Criminal Law Consolidation (Rape and Sexual Offences) Amendment	4	4	-	-	-	-
Criminal Law (Sentencing) (Dangerous Offenders) Amendment	6	6	-	-	-	-
Criminal Law (Sentencing) (Victims of Crime) Amendment	2	-	2	-	2	Conference - No agreement. Bill laid aside.
Electricity (Feed-in Scheme - Residential Solar Systems) Amendment	16	-	16	-	16	13 amendments agreed to by HA, 1 amendment to amendment & consequential amendment agreed to by LC, 1 amendment not further insisted on by LC and disagreement to 1 amendment not further insisted on by HA.
Health Care	4	4	-	-	-	-
Julia Farr Services (Trusts)	10	10	-	-	-	-
Legal Profession	17	-	17	-	17	Conference established - Lapsed due to Prorogation.

<b>Title of Bill</b>	<b>No. of Amendments made by L.C.</b>	<b>No. of Amendments agreed to by H.A.</b>	<b>No. of Amendments disagreed to by H.A.</b>	<b>No. of Amendments not insisted on by L.C.</b>	<b>No. of Amendments insisted on by L.C.</b>	<b>Conference/ Resolution</b>
Occupational Health, Safety and Welfare (Penalties) Amendment	1	1	-	-	-	-
Penola Pulp Mill Authorisation	4	4	-	-	-	-
Psychological Practice	5	-	-	-	-	Lapsed due to Prorogation.
Senior Secondary Assessment Board of South Australia (Review) Amendment	13	4	9	9	-	-
Serious and Organised Crime (Control)	7	7	-	-	-	-
Statutes Amendment (Affordable Housing)	19	19	-	-	-	-
Statutes Amendment (Police Superannuation)	5	-	5	5	-	-
Statutes Amendment (Real Estate Industry Reform)	15	13	2	-	2	Conference established. Lapsed due to Prorogation.
Statutes Amendment (Real Property)	1	1	-	-	-	-
Statutes Amendment (Transition to Retirement - State Superannuation)	3	3	-	-	-	-
Statutes Amendment (Victims of Crime)	1	1	-	-	-	-
WorkCover Corporation (Governance Review) Amendment	9	9	-	-	-	-
Workers Rehabilitation and Compensation (Scheme Review) Amendment	1	1	-	-	-	-

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

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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, 1 May 2007.  
Seconded by The Hon I K Hunter, 1 May 2007.  
Adopted and presented to His Excellency The Governor on 29 May 2007.

**CONDOLENCE MOTIONS -**

**Death of Senator Jeannie Ferris -**

Motion of regret moved by the Minister for Police and carried in silence, 24 April 2007.

**Death of The Hon Glen Broomhill -**

Motion of regret moved by the Minister for Police and carried in silence, 12 February 2008.

**Death of The Hon Clyde Cameron -**

Motion of regret moved by the Minister for Police and carried in silence, 1 April 2008.

**Death of Mr T R Blowes -**

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

**Death of Mr E H Crimes -**

Motion of regret moved by the Minister for Police and carried in silence, 29 August 2006.

**GOVERNMENT MOTIONS -**

**Children in State Care - Apology -**

Moved by the Minister for Police and agreed to, 19 June 2008.

**Citizen's Right of Reply -**

Moved by the Minister for Police and agreed to, 1 May 2007.

**Fair Work Act 1994 - Section 34 - Council Nominee for Panel -**

Moved by the Minister for Police and agreed to, 28 February 2008.

**Sesquicentenary of Responsible Government -**

Moved by the Minister for Police and agreed to, 24 April 2007.

## **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 I K Hunter and agreed to, 24 April 2007.  
Substitution, by motion, of Member of Select Committee - moved by Hon R I Lucas and agreed to, 21 November 2007.  
Extension of time for bringing up Report - moved by The Hon B V Finnigan and agreed to, 21 November 2007.  
Power to sit during recess - moved by The Hon B V Finnigan and agreed to, 23 July 2008.

### **Atkinson/Ashbourne/Clarke Affair -**

Power to sit during the present Session - moved by The Hon I K Hunter and agreed to, 24 April 2007.  
Extension of time for bringing up Report - moved by The Hon R P Wortley and agreed to, 21 November 2007.  
Power to sit during recess - moved by The Hon R P Wortley and agreed to, 23 July 2008.

### **Budget and Finance Committee -**

Power to sit during the present Session - moved by The Hon R I Lucas and agreed to, 24 April 2007.  
Extension of time for bringing up Report - moved by The Hon R I Lucas and agreed to, 21 November 2007.  
Power to sit during recess - moved by The Hon R I Lucas and agreed to, 23 July 2008.

### **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 I K Hunter and agreed to, 24 April 2007.  
Substitution, by motion, of Member of Select Committee - moved by Hon R I Lucas and agreed to, 21 November 2007.  
Extension of time for bringing up Report - moved by The Hon I K Hunter and agreed to, 21 November 2007.  
Power to sit during recess - moved by The Hon I K Hunter and agreed to, 23 July 2008.

### **Families SA -**

Power to sit during the present Session - moved by The Hon R D Lawson and agreed to, 24 April 2007.  
Extension of time for bringing up Report - moved by The Hon C V Schaefer and agreed to, 21 November 2007.  
Power to sit during recess - moved by The Hon C V Schaefer and agreed to, 23 July 2008.

### **Impact of Peak Oil on South Australia -**

Moved by The Hon S M Kanck, 13 February 2008, amendments moved by the Minister for Police, 5 March 2008, amendments moved by The Hon M C Parnell, 9 April 2008, amendments agreed and disagreed to, motion as amended agreed to, 9 April 2008.  
Power to sit during recess - moved by The Hon S M Kanck and agreed to, 23 July 2008.

### **Pricing, Refining, Storage and Supply of Fuel in South Australia -**

Power to sit during the present Session - moved by The Hon I K Hunter and agreed to, 24 April 2007.  
Extension of time for bringing up Report - moved by The Hon B V Finnigan and agreed to, 21 November 2007.  
Report Tabled 23 July 2008.

### **Proposed Sale and Redevelopment of the Glenside Hospital Site -**

Moved by The Hon JMA Lensink, 27 February 2008, and agreed to 2 April 2008.  
Power to sit during recess - moved by The Hon JSL Dawkins and agreed to, 23 July 2008.

**SA Water -**

Moved by The Hon N Xenophon, 12 September 2007, amendments moved by The Hon S M Kanck, 26 September 2007, amendments agreed to, motion as amended agreed to, 26 September 2007.  
Extension of time for bringing up Report - moved by The Hon M C Parnell and agreed to, 21 November 2007.  
Power to sit during recess - moved by The Hon M C Parnell and agreed to, 23 July 2008.

**Selection Process for the Principal at the Elizabeth Vale Primary School -**

Power to sit during the present Session - moved by The Hon I K Hunter and agreed to, 24 April 2007.  
Extension of time for bringing up Report - moved by The Hon R P Wortley and agreed to, 21 November 2007.  
Report Tabled 3 July 2008.

**Staffing, Resourcing and Efficiency of South Australia Police -**

Moved by The Hon D W Ridgway, 27 February 2008, and agreed to 7 May 2008.  
Power to sit during recess - moved by The Hon D W Ridgway and agreed to, 23 July 2008.

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

**Moved by Member on own behalf -**

**Fair Work Act 1994 - Clothing Outworkers -**

Moved by The Hon R D Lawson, 13 February 2008, and disagreed to, 7 May 2008.

**Fisheries Act 2007 - Pipi Units -**

Moved by The Hon C V Schaefer, 11 June 2008, and agreed to, 23 July 2008.

**Native Vegetation Act 1991 - Clearance Exemptions -**

Moved by The Hon M C Parnell, 1 August 2007. (Motion lapsed due to Prorogation).

**Prevention of Cruelty to Animals Act 1985 - Rodeos -**

Moved by The Hon JMA Lensink, 12 September 2007, and agreed to 21 November 2007.

**Public and Environmental Health Act 1987 - Controlled Notifiable Diseases -**

Moved by The Hon JMA Lensink, 23 July 2008. (Motion lapsed due to Prorogation).

**Survey Act 1992 - General Resolutions -**

Moved by The Hon M C Parnell, 14 November 2007. (Motion lapsed due to Prorogation).

**Upper South-East Dryland Salinity and Flood Management Act 2002 - Project Works Scheme -**

Moved by The Hon S M Kanck, 30 May 2007. (Motion lapsed due to Prorogation).

**PRIVATE MEMBERS' MOTIONS -**

**Aboriginal Lands Parliamentary Standing Committee - Report , 2006-2007- Noting of -**

Moved by The Hon J M Gazzola, 27 February 2008, and agreed to, 5 March 2008.

**Aboriginal Lands Parliamentary Standing Committee - Report on Inquiry into Impact of Australian Government Changes to Municipal Services Funding upon Four Aboriginal Communities in South Australia - Noting of -**

Moved by The Hon J M Gazzola, 12 September 2007, and agreed to, 27 February 2008.

**Arrogance of Rann Government -**

Moved by The Hon R I Lucas, 1 August 2007. (Motion lapsed due to Prorogation)

**Australian Electoral Commission Disclosure Returns -**

Moved by The Hon R I Lucas, 2 May 2007. (Motion lapsed due to Prorogation)

**Climate Change -**

Moved by The Hon M C Parnell, 21 November 2007, amendment moved by The Hon S M Kanck, 27 February 2008, and agreed to, 18 June 2008, motion as amended agreed to, 18 June 2008.

**Environment, Resources and Development Committee - Report on Coastal Development - Noting of -**

Moved by The Hon R P Wortley, 21 November 2007 and agreed, 5 March 2007.

**Environment, Resources and Development Committee - To inquire into Current and Future Public Transport Needs of South Australia -**

Moved by The Hon DGE Hood, 30 April 2008 and agreed, 4 June 2008.

**Environment, Resources and Development Committee - To inquire into Environment Impacts of Proposed Desalination Plants at Port Stanvac and Port Bonython -**

Moved by The Hon JMA Lensink, 18 June 2008 and agreed, 23 July 2008.

**Funding of Non-Governmental Mental Health Providers -**

Moved by The Hon JMA Lensink, 2 May 2007. (Motion lapsed due to Prorogation)

**Hon J A Darley MLC - Welcome -**

Moved by The Hon D W Ridgway, and agreed to, 27 February 2008.

**Industrial Dispute at Tristar Steering and Suspension Australia Limited -**

Moved by The Hon M C Parnell, 25 July 2007, and disagreed to, 12 September 2007.

**Intimidation and Harassment by Lawyers representing WorkCover-**

Moved by The Hon A M Bressington, 9 April 2008. (Motion lapsed due to Prorogation)

**Legislative Assembly of Western Australia Privileges Committee Report -**

Moved by The Hon R I Lucas, 25 July 2007. (Motion lapsed due to Prorogation)

**Members of Parliament with Disabilities -**

Moved by The Hon S G Wade, 2 May 2007, amendment moved by The Hon S M Kanck and agreed to, 14 November 2007, motion as amended agreed to, 14 November 2007.

**Murray-Darling Basin -**

Moved by The Hon S M Kanck, 27 February 2008, amendments moved by The Hon C V Schaefer, 9 April 2008, and The Hon R P Wortley, 18 June 2008, amendments agreed to and disagreed to, motion as amended agreed to, 18 June 2008.

**Natural Resources Committee - Report, 2006-2007 - Noting of -**

Moved by The Hon R P Wortley, 26 September 2007, and agreed to, 17 October 2007.

**Natural Resources Committee - To inquire into Use of the Waters of the Murray Darling Basin -**

Moved by The Hon S M Kanck, 2 May 2007, amendment moved by The Hon M C Parnell and agreed to, 1 August 2007, motion as amended agreed to, 1 August 2007.

**Natural Resources Committee - Report on Deep Creek - Noting of -**

Moved by The Hon R P Wortley, 20 June 2007, and agreed to, 1 August 2007.

**Natural Resources Committee - Report on Eyre Peninsula Natural Resources Management Board - Noting of -**

Moved by The Hon R P Wortley, 2 April 2008, and agreed to, 29 July 2008.

**Natural Resources Committee - Report on Eyre Peninsula Natural Resources Management Board Levy Proposal, 2007-2008 - Noting of -**

Moved by The Hon R P Wortley, 26 September 2007, and agreed to, 17 October 2007.

**Natural Resources Committee - Report on Natural Resource Management on Kangaroo Island - Noting of -**

Moved by The Hon R P Wortley, and agreed to, 23 July 2008.

**Natural Resources Committee - Report on Kangaroo Island Natural Resources Management Board Levy Proposal, 2007-2008 - Noting of -**

Moved by The Hon R P Wortley, 26 September 2007, and agreed to, 17 October 2007.

**Natural Resources Committee - Report on Northern and Yorke Natural Resources Management Board Levy Proposal, 2007-2008 - Noting of -**

Moved by The Hon R P Wortley, 26 September 2007, and agreed to, 17 October 2007.

**Natural Resources Committee - Report on South East Natural Resources Management Board Levy Proposal, 2007-2008 - Noting of -**

Moved by The Hon R P Wortley, 26 September 2007, and agreed to, 17 October 2007.

**Natural Resources Management Board Levy Proposals, 2008-2009 - Noting of -  
Eyre Peninsula  
South Australian Murray Darling Basin  
Northern and Yorke  
Adelaide and Mount Lofty Ranges**

Moved by The Hon R P Wortley, and agreed to, 23 July 2008.

**Occupational Safety, Rehabilitation and Compensation Committee - Report on Inquiry into the Law and Processes relating to Workplace Injuries and Death in South Australia - Noting of -**

Moved by The Hon B V Finnigan, 26 September 2007, and agreed to, 24 October 2007.

**Palestine -**

Moved by The Hon S M Kanck, 7 May 2008, and disagreed to, 18 June 2008.

**Port Adelaide Heritage -**

Moved by The Hon M C Parnell, 18 June 2008, and agreed to, 23 July 2008.

**Practices of WorkCover Corporation -**

Moved by The Hon A M Bressington, 14 November 2007. (Motion lapsed due to Prorogation)

**Professor Peter Cullen -**

Moved by The Hon M C Parnell, 2 April 2008, and agreed to, 9 April 2008.

**Proposed Health Plan for Northern Flinders Ranges -**

Moved by The Hon C V Schaefer, 23 July 2008 (Motion lapsed due to Prorogation)

**Roadside Drug Testing Policy -**

Moved by The Hon A M Bressington, 14 November 2007 and agreed to, 5 March 2008.

**South Australia Greenhouse Gas Strategy -**

Moved by The Hon M C Parnell, 1 August 2007. (Motion lapsed due to Prorogation)

**Social Development Committee - Report on Inquiry into Gestational Surrogacy - Noting of -**

Moved by The Hon I K Hunter, 14 November 2007, and agreed to, 21 November 2007.

**Social Development Committee - Report on Inquiry into the South Australian Certificate of Education - Noting of -**

Moved by The Hon I K Hunter, 9 April 2008, and agreed to, 7 May 2008.

**Social Development Committee - To inquire into the Adequacy and Appropriateness of Laws and Practices relating to the Sale and Consumption of Alcohol -**

Moved by The Hon DGE Hood, 19 April 2008, and agreed to, 29 July 2008.

**State Cycling Strategy**

Moved by The Hon M C Parnell, 18 June 2008, and agreed to, 23 July 2008.

**Statutory Authorities Review Committee - Report, 2006-2007- Noting of -**

Moved by The Hon B V Finnigan, 27 February 2008, and agreed to, 5 March 2008.

**Statutory Authorities Review Committee - Report on Inquiry into the Medical Board of South Australia - Noting of -**

Moved by The Hon B V Finnigan, 12 September 2007, and agreed to, 29 July 2008.

**Statutory Authorities Review Committee - To inquire into Effectiveness of Teachers Registration Board -**

Moved by The Hon N Xenophon, 26 September 2007. (Motion lapsed due to Prorogation)

**Statutory Authorities Review Committee - To inquire into Office of the Public Trustee -**

Moved by The Hon A M Bressington, 13 February 2008, and agreed to, 5 March 2008.

**Statutory Authorities Review Committee - To inquire into WorkCover Corporation of South Australia -**

Moved by The Hon D W Ridgway, 17 October 2007, amendment moved by The Hon R I Lucas and agreed to, 24 October 2007, motion as amended agreed to, 24 October 2007.

**Vietnam Veterans' Association of South Australia -**

Moved by The Hon D W Ridgway, 24 July 2008. (Motion lapsed due to Prorogation)

**URGENCY MOTION -**

**Performance of Government -**

Moved by The Hon D W Ridgway and withdrawn, 2 May 2007.

## **PETITIONS**

### **LEGISLATIVE COUNCIL**

**(From 24 April 2007 to 14 August 2008)**

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#### **CONSTRUCTION OF WEIRS AT LAKE BONNEY AND WELLINGTON**

Praying that this Honourable House will do all in its power to support measures to obtain water for urban and agricultural purposes that do not disrupt the natural operations of the River Murray system.

Presented by The Hon S M Kanck, 3 May 2007, 677 signatures.

Presented by The Hon S M Kanck, 31 May 2007, 201 signatures.

Presented by The Hon S M Kanck, 21 June 2007, 191 signatures.

Presented by The Hon S M Kanck, 25 October 2007, 124 signatures.

#### **CULLING OF KANGAROOS IN THE CENTRAL MOUNT LOFTY RANGES**

Praying that this Honourable House will call on the Government (in relation to the Central Mount Lofty Ranges) to -

- Improve the assessment process for destruction permits for kangaroos so that the applicant's claims of numbers of kangaroos are verified by sightings and/or a survey of neighbours and claims of alleged damage being caused are verified;
- Revoke existing permits in Mylor and Longwood until kangaroo numbers and commercial consequences of claimed damage are verified;
- Refuse permits to applicants if the claimed economic losses or the claimed numbers of kangaroos cannot be verified; and
- Refuse yellow tag requests which allow kangaroo carcasses to be taken off the property.

Presented by The Hon M C Parnell, 22 November 2007, 150 signatures.

#### **ETHICAL SUPERANNUATION CHOICES**

Praying that this Honourable House will call on the Government to -

- Instruct SuperSA to offer an ethical superannuation option for all its fund members;
- Instruct SuperSA to commission a review of its major investment portfolios to explore opportunities of investing in ways that exhibit greater social responsibility and that result in more positive outcomes for our environment, society and economy.

Presented by The Hon M C Parnell, 3 April 2008, 354 signatures.

#### **PROTECTION OF MARINE HABITAT AND WATER ACQUISITION AND USAGE**

Praying that this Honourable House will urge the Government to -

- Drop plans to build a desalination plant on Spencer Gulf and that it be built at Pelican Point and hyper saline be pumped to the existing salt crystallization pans near St Kilda instead;
- Consider that treated effluent from Bolivar be pumped to Olympic Dam for use on the extensions there, implementing the "Bolivar to Billiton" Plan 2006; and
- Consider a desalination plant be built at Ceduna using wave power and hyper saline be pumped into the Bight.

Presented by The Hon M C Parnell, 14 February 2008, 206 signatures.

## **RESEARCH INVOLVING HUMAN EMBRYOS AND HUMAN CLONING**

Praying that this Honourable House will reject proposals to -

- (a) reduce prohibitions on human cloning; and
- (b) modify regulation or 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 A L Evans, 28 February 2008, 1,664 signatures.

## **SOUTH AUSTRALIA'S GREENHOUSE GAS EMISSIONS**

Praying that this Honourable House will legislate for a greenhouse gas emissions reduction target of 20% (of 1990 levels) by the year 2020.

Presented by The Hon M C Parnell, 31 May 2007, 99 signatures.

## **SOUTH AUSTRALIA'S URBAN TREES**

Praying that this Honourable House will either reject the Government's Development (Regulated Trees) Amendment Bill, or amend it sufficiently to ensure it protects our urban trees.

Presented by The Hon S M Kanck, 10 April 2008, 16 signatures.

## **SUICIDE AND EUTHANASIA**

Praying that this Honourable House will reject proposals to legalise euthanasia as proposed by The Hon Bob Such in the Voluntary Euthanasia Bill 2006.

Presented by The Hon C V Schaefer, 13 September 2007, 135 signatures.

Presented by The Hon A L Evans, 18 October 2007, 7,504 signatures.

## **VOLUNTARY EUTHANASIA**

Praying that this Honourable House will support the Voluntary Euthanasia Bill 2006 to enable law reform in South Australia to give citizens the right to choose voluntary euthanasia for themselves as such legislation, if enacted, would contain stringent safeguards against misuse of the provisions of the Act.

Presented by The Hon S M Kanck, 21 June 2007, 116 signatures.

Presented by The Hon D W Ridgway, 26 July 2007, 578 signatures.

Presented by The Hon I K Hunter, 18 October 2007, 453 signatures.

Presented by The Hon JSL Dawkins, 22 November 2007, 1,128 signatures.

Presented by The Hon S M Kanck, 1 May 2008, 253 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, 25 October 2007, 135 signatures.

Presented by The Hon S M Kanck, 15 November 2007, 75 signatures.

Presented by The Hon S M Kanck, 14 February 2008, 180 signatures.

Presented by The Hon S M Kanck, 28 February 2008, 300 signatures.

Presented by The Hon S M Kanck, 6 March 2008, 280 signatures.

Presented by The Hon S M Kanck, 3 April 2008, 567 signatures.

Presented by The Hon S M Kanck, 10 April 2008, 74 signatures.

Presented by The Hon S M Kanck, 5 June 2008, 43 signatures.

**WOMEN'S RIGHT TO ABORTION**

Praying that this Honourable House will do all in its power to ensure that abortions in South Australia continue to be safe, affordable, accessible and legal.

Presented by The Hon S M Kanck, 5 June 2008, 19 signatures.

## SYNOPSIS OF COUNCIL LEGISLATION

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### **ADELAIDE PARKLANDS (FACILITATION OF DEVELOPMENT OF VICTORIA PARK) AMENDMENT BILL**

The Adelaide Parklands (Facilitation of Development of Victoria Park) Amendment Bill aims to allow future sporting, leisure, cultural and recreational activities within Victoria Park. The Bill provides for the approval of the lease for the development which was approved by the Development Assessment Commission in application number DA/500/2007. This Bill gives authority to the Treasurer to obtain a lease agreement from the Adelaide City Council to enable development of Victoria Park.

(February 13, April 2 - Negatived in House of Assembly)

### **BAIL (DISCRETION) AMENDMENT BILL**

The purpose of this Bill is to amend the Bail Act. The current section 10(1)(f) allows a bail authority to consider whether an applicant has previously contravened a bail agreement in deciding whether to again grant bail. The amendment will 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.

(October 24, May 7 - 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. Security of payment problems arise from the hierarchical nature of subcontracting in that sometimes a subcontractor who has provided work for a builder does not receive payment if the said builder cannot or will not pay. 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. The Bill establishes a procedure for this which provides for:

- the making of a payment claim by a person claiming payment;
- the provision of a payment schedule by the person making payments to indicate the amount they will pay;
- the referral of any disputed claim to an adjudicator for a determination;
- the payment of the amount of the progress payment determined by an adjudicator; and
- the recovery of the progress payment in the event of failure to pay.

(September 12 - Lapsed due to Prorogation)

### **CONSTITUTION (CASUAL VACANCIES) AMENDMENT BILL**

The purpose of this Bill is to insert a subsection 6 into the Constitution of South Australia to deal with the replacement of independent members of Parliament if they cannot finish their term. The Bill would require the Electoral Commissioner to advise via the *Government Gazette* which of any continuing candidates in that election, after the eleventh member had been chosen, had the highest number of votes. If that candidate had stood for a registered political party, that party would be called upon to nominate a replacement.

(February 27, July 29 - Negatived in Legislative Council)

### **CONTROLLED SUBSTANCES (CULTIVATION OF CONTROLLED PLANTS) AMENDMENT BILL**

The purpose of this Bill is to increase penalties for cannabis cultivation in South Australia. The Bill will bring South Australian penalties for the cultivation of small cannabis crops into line with penalties found in other States within Australia. The current law, specifically section 32(6), which is soon to become section 33K on assent of the Controlled Substances (Serious Drug Offences) Amendment Bill, provides for a maximum penalty of only \$500 for the growth of up to 10 cannabis plants for personal use. That amount is prescribed in the regulation under section 8 of the Controlled Substances (Prohibited Substances) Regulations. This Bill proposes that greater penalties could be applied in instances such as repeat offending.

(May 30, June 20, July 25, November 14, March 5 - Lapsed due to Prorogation)

### **CONTROLLED SUBSTANCES (DRUG DETECTION POWERS) AMENDMENT BILL**

This Bill was developed to support police in their fight against drugs and, in particular, their prevalence at public venues and the transport of commercial quantities between states. It is commonly known that the sale and use of drugs occurs in some licensed premises, including hotels, nightclubs and bars.

New section 52A provides police with the power to conduct general drug detection in certain places. They will be able to conduct general drug detection on any person who is in or apparently attempting to enter or leave a licensed premises, public venue or public passenger carrier (or any place where the carrier takes up or sets down passengers), using only the authority provided by the section. Public venues include such places as the football, the Fringe or other public events. However, for any other public place an authorisation must be sought from a senior police officer before the powers could be used. Any authorisation must be granted in accordance with any guidelines issued by the Commissioner in relation to such authorisations. Further to this, the Bill permits the use of electronic drug detection systems. Police currently utilise equipment provided by the Australian Customs Service.

The new section 52C requires the Commissioner to report to the Attorney-General the number of authorisations granted under sections 52A and 52B, the public places or areas in relation to which those authorisations were granted, the periods during which the authorisations applied and the number of occasions the drug detection dogs or electronic drug detection systems indicated the presence of controlled drugs, controlled precursors or controlled plants. The Attorney-General must, within 12 sitting days of receipt of the report, cause copies of the report to be laid before each House of Parliament.

The passive alert drug detection dogs are trained to detect drugs. This allows police to use them in a variety of circumstances. The dogs are regularly used to assist police to search buildings when executing drug warrants. A handler and her dog recently attached to the Crime Gangs Task Force for over five months have worked with detectives in planned operations.

(March 4, April 1, 2, 3, 8, 10, May 1, June 17 - Act No. 33 of 2008)

### **CONTROLLED SUBSTANCES (PALLIATIVE USE OF CANNABIS) AMENDMENT BILL**

This Bill proposes 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.

(July 23 - Lapsed due to Prorogation)

### **CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL**

The purpose of this Bill is to amend the *Correctional Services Act 1982* to address concerns that some prisoners may be receiving special treatment and the possibility of prison staff being involved in inappropriate behaviour in their dealings with prisoners.

The Bill will prevent money to which a prisoner may not be entitled, or where the identity of the person making the payment is not known, being placed in the prisoner's prison trust account. The Bill enables prison staff to require a prisoner and the person making any payment to a prisoner to establish the entitlement of the prisoner to the money being received and, where necessary, the identity of the person making the payment. Where these

matters are established, the money will be placed in the prisoner's account.

The Bill will prevent prisoners from entering into contracts with correctional staff, or other designated people who frequent prisons. The Bill will make it an offence for prisoners to enter into a contract with staff or other persons of a class prescribed by the regulations for that purpose. Such persons may include persons who, although not Departmental staff, work in the State's prisons. Examples include visiting inspectors, visiting tribunals, volunteers, chaplains and maintenance workers. To emphasise the seriousness of the offence, it will carry a penalty of \$10,000 or two years' imprisonment.

The Bill will prevent prisoners from removing goods that they may have made whilst in prison for sale in the community without the authority of the Chief Executive. If prisoners are prevented from selling their goods within the prison, they will revert to sending them outside of the prison to be sold by relatives or friends in the community. The amendment to Section 33A of the Act will prevent this from happening without the approval of the Chief Executive or his delegate. The Chief Executive will have the discretion to allow items to be sent from the prison that prisoners have made for close relatives in the community, for birthdays or other special occasions, or for any other reason that he considers appropriate. The amendment also makes provision for the disposal of goods that have been sent, supplied or given contrary to Section 33A.

The Bill will also prevent prisoners being prescribed certain prescription drugs. Regulations to prohibit, restrict or regulate the supply of drugs to prisoners may be made from time to time in response to any new drugs that may be marketed by pharmaceutical companies that may be inappropriate to be supplied to prisoners.

(May 31, June 21 - Act No. 26 of 2007)

#### **CRIMINAL LAW CONSOLIDATION (REASONABLE CHASTISEMENT OF CHILDREN) AMENDMENT BILL**

This Bill enshrines in legislation a parent's or guardian's choice to discipline their child, provided that such discipline falls within the limits of what would generally be accepted in the community as reasonable chastisement or correction.

(May 30, 2007, July 25, October 17 - Lapsed due to Prorogation)

#### **CRIMINAL LAW CONSOLIDATION (SERIOUS CRIMINAL TRESPASS) AMENDMENT BILL**

The purpose of this Bill is to amend the Criminal Law Consolidation Act in relation to break-ins of pharmacies. The amendment in the Bill provides that a person who commits a serious criminal trespass by breaking into a pharmacy is guilty of an aggravated offence. Such an offence is dealt with in the District Court rather than the Magistrate's Court and therefore penalties increase substantially.

(May 2, June 6 - Lapsed due to Prorogation)

#### **CRIMINAL LAW (SENTENCING) (ABOLITION OF SUSPENDED SENTENCES FOR SUBSEQUENT SERIOUS OFFENCES) AMENDMENT BILL**

This Bill provides a new section 37A of the Criminal Law (Sentencing) Act to outline specific offences that are deemed to be serious offences. Changes to section 38 will now only allow suspended sentences for the first serious offence a person commits within a 10-year period as an adult. Offences as a minor will not be taken into account.

(June 18 - Lapsed due to Prorogation)

#### **DEVELOPMENT (POLITICAL DONATIONS) AMENDMENT BILL**

This Bill amends the Development Act 1993 to ensure that development applications over a certain threshold would need to be accompanied by a declaration of political donations. The threshold that is set out in this Bill is \$4 million dollars or if the development plan aims to make more than ten lots on a subdivision.

(April 9, 19, July 29 - Negatived in Legislative Council)

### **DEVELOPMENT (REGULATED TREES) AMENDMENT BILL**

The purpose of this Bill is to clarify the intent and application of legislative controls with respect to urban trees. This is 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”. Regulated trees will be determined by a purely quantitative measure of a two-metre circumference threshold set out in the Development Regulations 1993 under the Act. 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.

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. This will enable councils to undertake a level of variation, in addition to the uniform threshold size, by allowing them to tailor their development plans to better reflect local circumstances.

(May 1, 31, June 5, 19, July 25, September 9, October 10 - Lapsed due to Prorogation)

### **EDUCATION (PARENTAL NOTIFICATION OF NON-ATTENDANCE) AMENDMENT BILL**

This Bill provides that parents must be notified if their child is absent from school without reasonable excuse. The Bill also provides that such notification can be made by way of SMS messaging technology, by phone call or, in fact, by any other means approved by the Minister, and that such notification must occur before the end of the school day in which the absence is detected.

(July 25 - Lapsed due to Prorogation)

### **EDUCATION (RANDOM DRUG TESTING) AMENDMENT BILL**

The purpose of this Bill is to amend the Education Act to provide for schools to undertake random drug tests on students aged 14 or over, twice a calendar year. The tests would be in relation to the presence of cannabis, amphetamines and Ecstasy or of a kind prescribed by regulation. The test would be a mouth swab. If the first sample tests positive, a second sample will be taken. That information will then be reported and parents will be notified by the school.

(May 2 - Lapsed due to Prorogation)

### **ELECTORAL (ADVERTISING COSTS) AMENDMENT BILL**

This Bill seeks to provide increased disclosure in government taxpayer-funded advertising and does this by requiring all government advertisements to disclose, alongside the authorisation, how much the particular advertising campaign has cost.

(June 18 - Lapsed due to Prorogation)

### **ENVIRONMENT PROTECTION (BOARD OF AUTHORITY) AMENDMENT BILL**

The purpose of this Bill is to separate the roles of the Chief Executive and the person who presides at meetings of the Board of the Environment Protection Authority (EPA). The Bill will improve the governance of the EPA in line with current governance theory and reinforce the independence of the board and its power to direct the activities of the administrative unit which supports it in all matters relating to its statutory functions. The Bill preserves the requirement for the Chief Executive to give effect to the Board’s policies and decisions related to its functions under the act but no longer gives him or her any vote on what those policies and decisions will be.

The Bill provides for the board of the authority to continue to have up to nine voting members. One will be appointed by the Governor as the presiding member, and a deputy may also be appointed to preside in the absence of that person. The Chief Executive will be an additional member of the Board so that he or she is available to contribute to discussions of the board. However, the Chief Executive will not have a vote on any

resolutions.

A consequential amendment removes the requirement for the Chief Executive to preside at round-table conferences, which assist the Minister and the Authority to assess the views of interested persons. In future it may be that the Chair of the Board will want to preside at such functions, so the act is being made less prescriptive to allow for this. The Act continues to require the Chief Executive or a member of the Board to be present at round-table conferences.

(February 13, March 4, April 1 - Act No. 14 of 2008)

#### **ENVIRONMENT PROTECTION (COMMISSIONER FOR THE ENVIRONMENT) AMENDMENT BILL**

This Bill creates a body called the Commissioner for the Environment. Similar to an Auditor-General for the environment the position is not answerable to the Government but instead is answerable to the Parliament. The key to the effectiveness of this position is that the Commissioner would be able to conduct his or her own independent investigations and like the Auditor-General is accountable to the Parliament and reports to the Presiding Officers of both Houses of Parliament and not to the Government.

(June 6, October 24 - Negatived in Legislative Council)

#### **ENVIRONMENT PROTECTION (MISCELLANEOUS) AMENDMENT BILL**

This Bill strengthens the container deposit legislation (CLD) in the Environment Protection Act 1993 to further improve on this successful environmental tool that provides an important driver for recycling, reduces litter and decreases the number of beverage containers that go to landfill.

The Bill addresses a number of systemic issues within the current beverage container refund system to improve its functioning.

CDL was introduced by former Premier, the Hon. Don Dunstan, in the Beverage Container Act 1975 to control litter. The system has worked well, changing community behaviour, promoting recycling, recovering valuable recyclables, as well as supporting resource recovery infrastructure. South Australia has the highest container return rate of all Australian States, with industry sources reporting that as many as 85% of certain types of containers in the CDL scheme are returned for recycling. Beverage container litter in South Australia is by far the lowest in Australia.

The main purpose of the Bill is to improve this successful system by promoting the equitable regulation of all relevant stakeholders and to address concerns that refunds are being sought on a large scale for containers that have not been sold in South Australia.

A series of minor administrative amendments to the operation of the Environment Protection Act are also proposed to streamline the governance and operational workings of the Authority.

The industry has a series of "super collectors" not regulated by the CDL system. "Super collector" is a term applied to the industry sector that was established primarily to act as agents for beverage manufacturers and product distributors. Super collectors coordinate the collection and aggregation of containers from depots, reimburse depots for refunds paid to consumers, pay handling fees to depots and coordinate end recycling markets for collected containers.

It is proposed that these super collectors be regulated to remove any inequity with the collection depots, which are already required to be regulated. Thus the Bill proposes that a person must hold an approval to operate as a super collector, as is currently the practice for collection depots. The regulation of both collection depots and super collectors will help establish effective processes for resolving disputes between the parties.

Another object of the Bill is to stop the movement of empty refund-labelled containers from other States into South Australia, thereby limiting the potential liability for collection depots, super collectors and manufacturers to pay refunds on products not sold in this State, and on which no deposit has been paid.

The Environment Protection Authority, which administers the scheme, advises that containers being brought into SA from interstate for refunds at our collection depots. The Bill provides South Australian collection depots with the authority to refuse to accept containers for refund if they believe that the containers have been purchased interstate. Depots will be able to request that a person verify that their containers were purchased in this State or a corresponding jurisdiction and must request a person to complete this declaration if the person presents 3,000 or more containers for a refund within a 48 hour period.

Additionally, there is an offence for a person to present for refund a container not purchased in this State or a corresponding jurisdiction. The maximum penalty proposed for this offence is \$30,000.

(April 2, June 17, July 3, 22, 24 - Act No. 35 of 2008)

## **ENVIRONMENT PROTECTION (SITE CONTAMINATION) AMENDMENT BILL**

The purpose of this Bill is to amend the Environment Protection Act 1993 to establish a process of managing site contamination in South Australia. Site contamination, as defined in the Bill, exists at a site if chemical substances are present on or below the surface of the site in concentrations above the background concentrations (if any), the chemical substances have, at least in part, come to be present there as a result of an activity at the site or elsewhere and the presence of the chemical substances in those concentrations has resulted in -

1. actual or potential harm to the health or safety of human beings that is not trivial, taking into account current or proposed land uses; or
2. actual or potential harm to water that is not trivial; or
3. other actual or potential environmental harm that is not trivial, taking into account current or proposed land uses.

In addition to the amendments in this Bill, it is intended that site contamination will also be addressed through the land use planning process under the current *Development Act 1993*. Where an application is made to the relevant development authority, such as a local council, for a sensitive land use on a site that has a history of a prescribed contaminating activity having occurred, the application will need to be supported by a site contamination audit undertaken by an accredited auditor.

This Bill and the proposed changes to the development process will provide certainty to the property market, where the current lack of legislation causes uncertainty in that Councils take varying approaches when considering development applications where site contamination may be an issue.

The Bill takes a risk-based approach to site remediation, that is, the response to managing a particular site is based on an evaluation of the degree of risk presented by the contaminants, which is linked to the land use of the site. The Bill also uses experts external to Government for site contamination management, that is, assessment and remediation, through a system of accredited auditors. Independent auditors have been accredited under site contamination legislation in Victoria and New South Wales for a number of years, and will also be accredited under the new Western Australian legislation.

The Bill allows the liability and responsibility for the assessment and remediation of a contaminated site to be assigned to the person who caused the contamination - this is consistent with the polluter pays principle established under the Australia and New Zealand Environment and Conservation Council (ANZECC) and agreed to by all Governments in 1994. The Bill allows full or partial liability to be transferred from one person to another through the purchase or transfer of land where there is a genuine arms length transaction.

As site contamination is historical pollution that may have occurred before the commencement of the Environment Protection Act, the provisions of the Bill need to have retrospective as well as prospective operation. While retrospectivity is generally avoided in legislation, it is clear that in this instance the legislation needs to apply retrospectively in order to hold the person who caused the contamination responsible for the assessment and remediation of contaminated land.

(May 1, 19, June 21, July 25, 31, September 11, 13, 26, October 25 - Act No. 44 of 2007)

### **FIREARMS (FIREARMS PROHIBITION ORDERS) AMENDMENT BILL**

The Bill strengthens the powers of police to combat firearms related violence by introducing firearms prohibition orders, giving police the ability to ban persons with a known propensity for violence, or persons who associate with such persons, from possessing or accessing firearms. Although primarily aimed at targeting motorcycle gangs and their associates, firearms prohibition orders can also be applied to any person who has a known history of serious crime or violence, or who has been identified by a medical professional as being a risk to themselves or others because of a health condition.

Complementing the prohibition orders is a range of ancillary legislation which will provide the police with further tools to both investigate firearms related crime and to ensure that only appropriately responsible persons are able to gain a firearms licence and possess registered firearms. This is the first step in the process of refocusing the attention of police from the regulation of the legitimate firearms community towards combating the criminal elements who use firearms in the furtherance of their criminal endeavours.

The Bill provides for the introduction of two levels of firearms prohibition orders. The first is an interim firearms prohibition order which can be issued by any police officer but requiring the authorisation of a supervisor. An interim order can be issued against a person if it is suspected on reasonable grounds that possession of a firearm by the person would be likely to result in undue danger to life or property or that the person, through their behaviour, is not a fit and proper person to possess a firearm. Interim orders provide for an immediate response by police which will effectively prohibit a subject person from gaining access to a firearm regardless of any other action being taken against the person.

The second level is a firearms prohibition order issued by the Registrar of Firearms. These orders carry the full range of powers and may be issued if the registrar is satisfied that possession of a firearm by a subject person will be likely to result in undue danger to life or property or the person is not a fit and proper person to possess a firearm and it is in the public interest to prohibit the person from possessing or using a firearm.

(March 5, April 1, 2, 3, 10, 29, May 1 - Act No. 15 of 2008)

### **FOOD (LABELLING - GENETICALLY MODIFIED PRODUCTS) AMENDMENT BILL**

The purpose of this Bill is to ensure that food sold in South Australia, that is genetically modified, is labelled to inform the consumer that it is so.

(April 30 - Lapsed due to Prorogation)

### **GAMING MACHINES (CLUB ONE) AMENDMENT BILL**

This Bill amends the Gaming Machines Act 1992 in relation to clubs which hold a gaming machine licence. The Bill will prevent such clubs allocating, renting or dealing their gaming machine entitlements to hotels.

(May 2 - Lapsed due to Prorogation)

### **GAMING MACHINES (HOURS OF OPERATION) BILL**

This Bill seeks to restrict the trading hours of poker machines to a maximum 12-hour window in any 24-hour period.

(May 30, July 25, November 14 - Negatived in Legislative Council)

### **GENETICALLY MODIFIED CROPS MANAGEMENT (EXTENSION OF CONTROLS) AMENDMENT BILL**

The purpose of this Bill is to extend the current controls in regards to genetically modified crops. The Bill aims

to extend the moratorium for another 5 years to enable all interested parties in genetically modified crops time to consider health implications of genetically modified crops.

(November 21, May 5, April, 2 - Bill Withdrawn)

#### **GENETICALLY MODIFIED CROPS MANAGEMENT (RIGHT TO DAMAGES) AMENDMENT BILL**

The purpose of this Bill is to provide compensation to owners of land whose land has been contaminated with genetically modified crops without their consent.

(November 21, March 5 - 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.

(August 1, September 26, November 21 - Lapsed due to Prorogation)

#### **LAKE EYRE BASIN (INTERGOVERNMENTAL AGREEMENT) (RATIFICATION OF AMENDMENTS) AMENDMENT BILL**

The Lake Eyre Basin Intergovernmental Agreement was signed by South Australia, Queensland and Commonwealth Ministers on behalf of their respective Governments on 22 October 2000. All three jurisdictions undertook to legislate to give effect to the agreement, and the South Australian Lake Eyre Basin (Intergovernmental Agreement) Act 2001 was passed by the South Australian Parliament on 3 April 2001.

The purpose of the Bill is to amend the Lake Eyre Basin (Intergovernmental Agreement) Act 2001 to include parts of the Lake Eyre Basin that have the closest connection with the Northern Territory, which includes Finke and Hamilton/Alberta/Macumba Rivers and catchments; Witjira National Park; Simpson Desert Conservation Park and Simpson Desert Regional Reserve; and the Neales, Umbum, Sunny and Douglas Rivers and catchments.

The inclusion of these additional areas demonstrates the commitment of South Australia to the agreement and provides opportunities for the cooperation and collaboration in managing catchments as a whole.

(November 15, February 12 - Act No. 2 of 2008)

#### **LOCAL GOVERNMENT (NOTICE OF MEETINGS) AMENDMENT BILL**

The purpose of this Bill is to amend sections 84 and 88 of the Local Government Act 1999. This will require Local Government to ensure a notice and the agenda of meetings be placed on a website.

(July 23 - Lapsed due to Prorogation)

#### **LOTTERY AND GAMING (BETTING ON LOSING) AMENDMENT BILL**

The purpose of this Bill is to ensure that bets cannot be placed on a betting exchange by South Australians. It provides penalties for betting exchanges, including a maximum term of imprisonment for one year for a person who establishes or conducts a betting exchange. It also provides for a fine for those who place a bet on a betting exchange.

(May 2 - Lapsed due to Prorogation)

## **MARBLE HILL (PROTECTION) BILL**

The purpose of this Bill is to ensure that Marble Hill Estate would be reasonably available as a community facility for all South Australians and visitors to the State of South Australia. This Bill would also ensure that Marble Hill would remain on the South Australian Heritage Register.

(June 18, July 23 - Lapsed due to Prorogation)

## **MARINE PARKS BILL**

This Bill provides that the Governor may establish marine parks by proclamation. Locations identified as marine parks will be based on the best scientific understanding, as well as endorsed design principles, to ensure that national and international obligations are fulfilled.

The Bill aims to protect and conserve examples of all marine habitats and the wide diversity of plants and animals that depend on them. This includes marine mammals, hundreds of fish species, thousands of invertebrates, as well as the extensive variety of marine flora. It should be understood that marine parks are for biodiversity conservation and not fisheries management, a distinct and separate role performed under the Fisheries Management Act 2007.

The Bill specifies that the primary objects of the Bill are to protect and conserve marine biological diversity and habitats by declaring and providing for the management of a comprehensive, adequate and representative system of marine parks; and to help maintain the natural functioning of coastal, estuarine and marine ecosystems and their interdependence with one another. Fundamental to this is the ability for marine parks to assist in building resilience and flexibility to adapt to the emerging impacts of climate change.

All activities and uses within a marine park will need to be undertaken in an ecologically sustainable manner. The Bill adopts a definition of ecologically sustainable development, designed to ensure consistency with the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and the Intergovernmental Agreement on the Environment and other relevant policies in this area. This definition addresses the issue of maintaining the economic, social and physical well being of communities and the functioning of natural and physical resources.

The Bill provides that once a marine park boundary has been established and all related consultation processes completed, the Governor may only abolish or reduce the boundary following a Resolution passed by both Houses of Parliament.

(June 20, September 11, 13, 25 - Act No. 60 of 2007)

## **MENTAL HEALTH BILL**

The Bill articulates a number of rights for both voluntary and involuntary patients, as well as their carers, which are not included in the Mental Health Act 1993. These include -

- Providing a copy of orders and a statement of rights to a guardian, medical agent, relative, carer or friend of the patient nominated by the patient for the purpose, as well as to the patient;
- Providing for the use of interpreters where available and appropriate;
- Entitling the patient to have another person's support;
- Entitling the patient to communicate with people outside of the treatment centre;
- Enabling information reasonably required for the treatment, care or rehabilitation of the person to be shared with a relative, carer or friend of the patient, where such disclosure is not contrary to the person's best interest; and
- The right to a comprehensive treatment and care plan and to input into the plan for patients and their carers or other persons providing support to them.

The Bill also includes express provision about the application of the Act to children and includes a number of provisions designed to protect children's interests. In recognition of the different and broader concept of mental health in Aboriginal and Torres Strait Islander and Torres Strait Islander culture, the Bill establishes as a principle that services should take into account the patient's traditional beliefs and practices, and when practicable and appropriate, services should involve collaboration with Aboriginal and Torres Strait Islander health workers and traditional healers.

This Bill will provide a modernised legislative framework and integrated service system to ensure that society

can fulfil its obligation to care for individuals with serious mental illness.

(June 4 - Lapsed due to Prorogation)

#### **MONITORED TREATMENT PROGRAMS BILL**

The purpose of this Bill is to provide monitored treatment programs for substance abuse. The Bill targets problematic drug users in the community who have continually appeared before the courts for drug-related, non-violent crime, and also for those parents in the community who are using drugs and who are, for this reason, maltreating their children. An objective of the Bill is to provide timely and relevant treatment for drug users. The Bill will provide young offenders, who are caught in the cycle of addiction, with access to specific services that will help them both change their behaviours and break the cycle of addiction.

The Bill requires a person to attend treatment and to receive proper assistance and support to maximise their chances of successfully completing the treatment program and that proper systems be put in place for the ongoing monitoring of persons required to attend such treatment.

(May 30, June 20 - Bill withdrawn)

#### **MOTOR VEHICLES (DRUG TESTING OF LEARNER DRIVERS) AMENDMENT BILL**

The purpose of this Bill is to prevent people from getting their learner's permit if they test positive to illicit drugs. People wanting to obtain a learner's permit will be required, at their own expense, to get a certified blood test to show that they do not have drugs in their system. It is a requirement of the legislation that the blood test must be taken no more than two weeks prior to them accessing their learner's permit, so they will need to show proof that they are not positive to illicit drugs in their system to be able to go through the process of obtaining their learner driver's permit.

(May 30 - Lapsed due to Prorogation)

#### **MOTOR VEHICLES (EXPIATION OF OFFENCES) AMENDMENT BILL**

The amendments in this Bill relate to driving an unregistered vehicle and driving a vehicle without a third party insurance policy in place. The amendments would reduce the case load in courts significantly, leaving magistrates with the opportunity to devote more time to matters of greater substance.

The Bill provides that if a person fails to register their vehicle, they can pay a \$105 expiation fee in addition to the fee for re-registering their vehicle. If they fail to insure their vehicle against third party risk they face an \$80 expiation fee for a trailer and a \$210 expiation fee for a normal vehicle or other vehicles. In most cases, the combined effect would be a fine of \$315.

(May 2 - Lapsed due to Prorogation)

#### **MOTOR VEHICLES (MISCELLANEOUS) AMENDMENT BILL**

The purpose of this Bill is to improve the operation and administration of the Motor Vehicles Act 1959 and to close a number of loopholes which allow drivers to avoid a licence sanction or condition placed on their licence. In many cases these loopholes only exist due to a technicality in the legislation which makes it possible for drivers to avoid certain consequences or circumvent a rule without actually breaking the law, or may be due to an omission or ambiguity in the law itself. Whether closing a loophole to prevent drivers from manipulating the law, or correcting an administrative anomaly, in all circumstances, the amendments are limited to ensuring that the legislation operates as it was originally intended.

The most significant loophole is one which allows disqualified drivers to claim that they had never received a licence disqualification notice, thereby avoiding a charge of driving while disqualified. To ensure disqualified drivers are held accountable for their actions, the Bill varies the current procedure, placing more stringent

requirements on recipients of a notice of disqualification.

The Bill provides that a recipient of a notice of disqualification issued by the Registrar of Motor Vehicles will be required to attend a Customer Service Centre or nominated agent, for example Australia Post, to acknowledge receipt of the notice. If the licence holder does not respond, a process server will be engaged to serve the notice personally on the licence holder.

This loophole is considered to offer the single greatest opportunity for recidivist traffic offenders to avoid a licensing penalty. The introduction of personal service for notices of disqualification issued by the Registrar of Motor Vehicles is expected to increase compliance with permit and licence disqualifications and improve enforcement of the Demerit Points and Graduated Licensing Schemes.

The Bill also contains a number of minor driver licensing amendments which are minor in nature and address situations that occur less frequently, do not involve as many drivers, and are generally the result of drafting inconsistencies due to successive amendments over the life of the legislation.

(September 26, October 17, 25 - Act No. 59 of 2007)

### **NATIONAL PARKS AND WILDLIFE (MINING IN SANCTUARIES) AMENDMENT BILL**

The purpose of this Bill is to amend the sanctuary provisions of the National Parks and Wildlife Act in two key areas. The first is that de-proclamation can only occur when resolved by both houses which have been given 14 days' notice. This brings sanctuaries into line with other parts of the conservation estate, such as national parks, conservation parks and marine parks. The Bill also aims to prohibit mineral exploration and mineral extraction (or mining) in sanctuaries.

(October 17, February 27, March 5 - Negatived in Legislative Council)

### **NATURAL RESOURCES MANAGEMENT (WATER RESOURCES AND OTHER MATTERS) AMENDMENT BILL**

The Intergovernmental Agreement on a National Water Initiative (NWI), identified that the improved management of water resources can be facilitated by separating water ownership and the associated regulatory approvals that govern use. South Australia is a signatory to the NWI.

Water property rights may be comprised of several individual components and the term "separating" is used to describe the unbundling of these components into clearly specified, stand-alone rights or instruments. Separating the different elements of water licences will provide greater flexibility to water users by providing access to a broader range of tradeable components. Greater clarity will also be provided to buyers, sellers and other interested parties. In turn this will lead to lower transaction costs and more efficient resource allocation.

This Bill is necessary due to the advent of interstate water trade across the southern Murray-Darling system. A pilot tagged trading scheme is already in operation, and will be replaced by a permanent scheme from 1 July 2007.

The trading system must be underpinned by compatible legislative arrangements in each State. A key component is that the legislation must allow for the use of water purchased from interstate without owning a licence in the State of destination. While Victorian and New South Wales legislation allow this, the South Australian legislation does not. A person must hold a South Australian water licence to be able to take and use water in the State. The Bill will address this issue.

The Bill creates a new entitlement system, the Separated Water Rights Scheme, which will separate water rights into five components, specifically-

- (a) a water access entitlement, endorsed on a water licence;
- (b) a water allocation;
- (c) a water resource works approval;
- (d) a site use approval; and
- (e) a delivery capacity entitlement.

The Bill recognises the high degree of diversity inherent in water systems in the State. This entitlements approach must be sufficiently flexible to meet the management needs of water systems as diverse as the River Murray, Great Artesian Basin, and the Clare Valley surface water system. Each of these systems, and the multitude of others, carry with them their own unique issues and challenges. Consequently the implementation of the system is strongly linked to the water allocation plans relating to each resource. The water allocation plans will establish the nature of the water access entitlement, the rules around how consumptive pools are determined, the conditions on taking and use, whether there is a need for a delivery capacity entitlement, and any rules around transfer of entitlements.

This approach not only ensures that the application of system meets the management requirements of the resource, it also allows for significant community input through the consultation processes of the plan. The current licensing approach will continue until water allocation plans have been amended to take into account the new arrangements.

(May 3, June 19, 20, 21 - Act No. 24 of 2007)

#### **NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) (PROHIBITION OF OTHER NUCLEAR FACILITIES) AMENDMENT BILL**

The purpose of this Bill is to prohibit the establishment of certain nuclear facilities in South Australia; to make a related amendment to the Radiation Protection and Control Act 1982; to repeal the Nuclear Waste Storage Facility Prohibition) Act 2000. The Bill provides that these facilities will not be built in this State without the express approval of Parliament through legislation.

(August 1, October 17, 24, November 14 - Negatived in Legislative Council)

#### **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.

(July 25 - Lapsed due to Prorogation)

#### **PASSENGER TRANSPORT (DISCIPLINARY POWERS) AMENDMENT BILL**

This Bill amends the Passenger Transport Act by prohibiting taxi drivers from not picking up blind people who are aided by guide dogs.

(June 6, September 26. October 24 - Lapsed due to Prorogation)

#### **PLASTIC SHOPPING BAGS (WASTE AVOIDANCE) BILL**

This Bill will prohibit the supply of lightweight plastic shopping bags to reduce littering, prevent environmental harm and improve resource efficiency.

The Bill describes the product to be regulated (plastic shopping bags) and the policy objective (avoidance of waste). The Bill provides that a retailer must not provide a plastic shopping bag to a customer as a means of carrying goods purchased or to be purchased from the retailer. This prohibition would come into effect on 4 May 2009.

(June 18 - Lapsed due to Prorogation)

#### **PREVENTION OF CRUELTY TO ANIMALS (ANIMAL WELFARE) AMENDMENT BILL**

The Bill increases penalties up to \$20,000 or two years' imprisonment for animal ill treatment and organised animal fights such as cock fighting; make aggravated animal cruelty an indictable offence, increasing the

penalties for offenders; empower animal welfare inspectors to routinely inspect intensive farming establishments, puppy farms, circuses, council pounds and similar places holding animals; and allow animal welfare inspectors to enter a property to rescue an animal, even if the owner is not present. The Bill will empower courts to order confiscation of objects used in an offence; allow courts to order the forfeiture of mistreated animals even where no conviction has been recorded; include in the offence of ill treatment of animals the keeping of animals in conditions likely to cause pain, distress or disease; and change the name of the act to the Animal Welfare Act 1985 to reflect a changed emphasis from preventing animal cruelty to promoting animal welfare. This emphasis is reflected throughout the provisions of the Bill.

The penalties in the Act relating to ill treatment and enforcement will be increased, as will penalties for offences against the regulations. A new offence of aggravated cruelty will be created in circumstances where a person intentionally or recklessly ill treats an animal to the extent that it dies or is seriously harmed. This will be an indictable offence with a maximum penalty of \$50,000 or 4 years imprisonment. The employer of a person who, in the course of their duties, commits an offence, will be liable to the same penalty as the principal offender unless it can be established that the employer could not, through due diligence, have prevented the offence from occurring.

The Act will be amended to create a new section to deal with organised animal fights, incorporating the provisions currently in different sections of the Act and Regulations. This section would stipulate that any person involved in the activity, (for example, an organiser, any participants, the owners of the animals, any person present and any person who knowingly allows their premises or vehicles to be used for this purpose) commits an offence. It will also be an offence for a person to be in possession of other relevant items that would assist in training an animal to fight. The Bill provides that the court may order objects used in an offence (for example, spurs confiscated from a cock fight) to be forfeited to the Crown to be disposed of as the Minister sees fit. This may include allowing law enforcement agencies to retain the items for evidentiary purposes or allowing museums to retain the objects for artistic or cultural purposes.

(July 31, October 16, 23, November 13, February 26, June 4 - Act No. 21 of 2008)

#### **PROTECTION OF PUBLIC PARTICIPATION BILL**

The purpose of this Bill is to protect and encourage public participation and to dissuade persons from interfering with another person's right to engage in public participation by commencing or maintaining, or threatening to commence or maintain, legal proceedings against the other person.

(February 27 - Lapsed due to Prorogation)

#### **PROTECTIVE SECURITY BILL**

The purpose of this Bill is to provide for the security of public buildings, places and officials and for the appointment, management and responsibilities of a new class of security officer, Protective Security Officers.

The Bill will enable the Commissioner of Police to appoint, manage and discipline Protective Security Officers in a manner that is consistent with Police Officers while clearly distinguishing between the two roles. It draws on best practice experiences of other jurisdictions. The Bill provides protection for Protective Security Officers who are lawfully providing defined protective security functions and creates a range of offences to support the enforcement of security measures.

This Bill relates to the ongoing protection of specified assets not related to a specific suspect or threat. The authorities in relation to Protective Security Officers are consistent with the security provisions enforced by Federal Police Protective Service Officers at Adelaide Airport and Sheriff's Officers within South Australian courts.

(May 1, 31, June 5 - Act No. 25 of 2007)

#### **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.

(July 23 - Lapsed due to prorogation)

#### **ROAD TRAFFIC (COMPULSORY BLOOD TESTS) AMENDMENT BILL**

The purpose of this Bill is to amend the Road Traffic Act, in particular section 47I. This would ensure that all blood samples provided as a result of section 47I are tested for drugs.

(May 2, 30 - Lapsed due to Prorogation)

#### **ROAD TRAFFIC (PREVIOUS CONVICTIONS) AMENDMENT BILL**

Currently the Road Traffic Act provides for an offence committed more than five years after a previous offence as though it is a first offence. The purpose of this Bill is to remove that constraint on the courts.

(May 2 - Lapsed due to Prorogation)

#### **ROXBY DOWNS (INDENTURE RATIFICATION) (APPLICATION OF ACTS) AMENDMENT BILL**

This Bill seeks to amend the Roxby Downs (Indenture Ratification) Act 1982. The purpose of this Bill is to amend section 7 of the Act in regard to the indenture that has previously given the corporations with interests in Roxby Downs exemptions from some State legislation.

(June 6, September 26, October 24 - Lapsed due to Prorogation)

#### **SECURITY AND INVESTIGATION AGENTS (CROWD CONTROLLER LICENCE SUSPENSION) AMENDMENT BILL**

The purpose of this Bill is to amend the Security and Investigation Agents Act 1995. Under this Act a crowd controller or a security guard has his or her licence suspended because of an allegation of a crime or drug use, but if the person has not been convicted, or the matter is waiting to go to trial, the person may still work in this field. This Bill seeks to amend the Act so that power is given back to the Commissioner to decide whether that person should be suspended until trial.

(May 30, September 12 - Lapsed due to Prorogation)

#### **SOUTH AUSTRALIAN MOTOR SPORT (CONSTRUCTION OF PERMANENT BUILDINGS) AMENDMENT BILL**

This Bill amends the South Australian Motor Sport Act. The purpose of this Bill is to ensure that if the Government wants to build a corporate facility on Victoria Park, it will need to either negotiate suitable arrangements with the Adelaide City Council or legislate in this Parliament to achieve this.

(November 14 - Lapsed due to Prorogation)

#### **STATUTES AMENDMENT (ETHICAL INVESTMENT OF STATE SUPERANNUATION) BILL**

The purpose of this Bill is to grant public servants, politicians, police and others - for whom Super SA is their compulsory super fund - to have a greater choice in their superannuation fund. This Bill will require Super SA to provide investors an option of ethical investment.

(April 2, May 7, June 4 - Negatived in House of Assembly)

#### **STATUTES AMENDMENT (GAMBLING REGULATION) AMENDMENT BILL**

The purpose of this Bill is to address many issues concerning problem gambling. The first amendment would require all poker machine venues to have recorded video surveillance within the venue and to store these tapes for one month. It would also require the venues to enable appropriate officers the ability to view the tapes to review incidents that may have occurred. Another amendment deals with advertising. This Bill proposes changes that would prohibit gaming venues to permit promotional material of any kind relating to the casino or loyalty cards that can be used in connection with a casino, hotel or gambling venue, to be sent to a person barred from the venue from taking part in gambling activities under the Act.

(May 30, June 6 - Lapsed due to Prorogation)

#### **STATUTES AMENDMENT (GANGS) BILL**

This Bill will give the police the ability to seek curfew orders against known gang members and restrict the hours that they can be out on the streets. Also included in this legislation are anti-social behaviour orders which will be served on people who have not actually progressed to crime, but who are destructive and mischievous within the community. This Bill will also cover parental responsibility orders aimed at making parents more responsible for the actions of their children in some circumstances.

(May 30, September 12, 26 - Lapsed due to Prorogation)

#### **STATUTES AMENDMENT (LOCATION OF GAMING VENUES) BILL**

The purpose of this Bill is to amend the Development Act 1993 and the Gaming Machines Act 1992. It aims to ban new poker machines from within the confines or precincts of shopping centres.

(August 1 - Lapsed due to Prorogation)

#### **STATUTES AMENDMENT (MINIMUM SENTENCES) BILL**

The purpose of this Bill is for mandatory minimum sentencing to be rolled out in South Australia. This includes minimum periods of imprisonment for the major indictable manufacture and cultivation, sale, supply and possession for sale of illicit drugs. This Bill also proposes mandatory minimum periods of imprisonment for the offence of aggravated dangerous driving causing death and serious injury.

(June 18 - 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.

(August 1 - Lapsed due to Prorogation)

### **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.

(February 13, March 5, April 2, 9, June 18 - Lapsed due to Prorogation)

### **STATUTES AMENDMENT (WATER CONSERVATION TARGET AND SUSTAINABLE WATER RESOURCES) BILL**

The purpose of this Bill is to amend the Public Corporations and the SA Water Corporation legislation to insert requirements regarding water conservation and ecologically sustainable development. The Bill aims to insert a specific water conservation target into legislation. It further requires SA Water to be satisfied that there is sufficient and sustainable water resources available before it extends water infrastructure to new housing or other developments.

(September 12, November 14, February 27 - Bill Referred to Select Committee on SA Water)

### **SUMMARY OFFENCES (DRUG PARAPHERNALIA) AMENDMENT BILL**

This Bill concerns the banning of drug using paraphernalia and limiting the stock carried by retail outlets, such as tobacconists. These concerns require a specific response directed against the supply side of the market. The present state of the law is not adequate to deal with commercial sale practices. It only criminalises possession with the intent that someone consumes an illicit drug.

The Bill amends the *Summary Offences Act 1953* to include a new offence in Part 3, that deals with offences against public order, to ban the sale of certain paraphernalia and discourage the undesirable practices of the market's suppliers. The intent element will be the intent to sell - not the intent that someone consumes an illicit drug.

This Bill closely defines drug paraphernalia and gives examples of devices known as bongos, hash pipes, ice pipes, cocaine kits and hookahs, narghiles, shishas and ghalyans. Adding the words "known as" will allow expert evidence to be adduced to help prove an offence against the provisions.

The current offences under the *Controlled Substances Act 1984* will be retained to deal with individuals in possession of equipment for the preparation or consumption of drugs, and to deal with the sale and possession of other types of equipment.

Currently, the relevant sections of the *Controlled Substances Act 1984* are limited to cases where there is an intention, on the part of a person in possession of drug paraphernalia, that the equipment be used in connection with preparing or consuming an illicit drug by themselves or by someone else.

It is currently difficult to prove that a commercial operation is selling merchandise intended to be used in connection with preparing or consuming an illicit drug. Therefore, for this initiative to succeed, it must be made clear that the seller's intention is simply to sell the paraphernalia, irrespective of what it might be used for.

Banning the sale of drug paraphernalia will restrict the circulation of these implements in the community. Making it more difficult to prepare and consume illicit drugs should mean that at least some people are put off the behaviour. That is the intent of this Bill.

The Bill sets new penalties which are doubled if the sale or supply is to a child. The penalties are also doubled if the offender is a body corporate because the ban is aimed at open market activities. The Bill also gives the Commissioner of Police the power to deal with and dispose of prohibited items in such manner at his or her discretion.

(October 17, November 14, 21, February 13 - Act No. 11 of 2008)

#### **SUMMARY OFFENCES (DRUG TESTING ON ARREST) AMENDMENT BILL**

The purpose of this Bill is to require that anyone being taken into lawful custody be drug tested with the aim of determining the likelihood of the crime being drug induced.

(May 30, July 25, September 26 - Lapsed due to Prorogation)

#### **SUMMARY OFFENCES (MEDICAL EXAMINATION OF SUSPECTS) AMENDMENT BILL**

The purpose of this Bill is to enable police officers, of or above the rank of inspector, to authorise medical examinations of suspects over the age of 16 if there is cause to fear that a communicable disease may have been transmitted to a police officer, emergency services worker, volunteer or security industry personnel in the course of their work. The Bill also states that a victim must be informed about the right to request a medical examination of the suspect. The Bill aims to alleviate stress and uncertainty caused during the incubation period when a disease is not detectable in the affected worker.

(August 1 - Lapsed due to Prorogation)

#### **SUMMARY OFFENCES (PIERCING AND SCARIFICATION) AMENDMENT BILL**

The purpose of this Bill is to outlaw the practice of scarification or branding being performed on minors. Further the Bill proposes that the presence of a parent or guardian be required when a piercing is being performed on a minor.

(June 20, July 25 - Lapsed due to Prorogation)

#### **SUMMARY OFFENCES (SCHOOLIES EVENTS) AMENDMENT BILL**

The purpose of this Bill is to regulate schoolies week events by holding them in enclosed venues and by excluding those for whom the event is not planned. The Bill aims to ensure that events of this kind can be held without the negative elements which may be attracted to Schoolies Week. It also aims to ensure that schoolies who behave inappropriately, disruptively or criminally are placed on notice as to community expectations and their legal obligations.

(July 25, September 12 - Lapsed due to Prorogation)

#### **SUMMARY PROCEDURE (PAEDOPHILE RESTRAINING ORDERS) AMENDMENT BILL**

This Bill amends division 7 of part 4 of the Summary Procedure Act, concerning restraining orders. In particular, the Bill addresses section 99AA, to expand the court's powers in making paedophile restraining order provisions.

When a paedophile is being sentenced for offences that will see him or her entered on the child sex offenders registry, and if loitering around children or internet use was a factor of the relevant offending, a judge or magistrate can ban an offender from using the internet.

The Bill also creates power for the police to enter the premises of the offender once a year, to ensure compliance with the law. The Bill allows the police to seize a computer, with return of that machine within a reasonable time frame, to forensically examine its contents.

(May 2, August 1 - Act No. 38 of 2007)

#### **TOBACCO PRODUCTS REGULATION (A SMOKE-FREE ADELAIDE) AMENDMENT BILL**

This Bill proposes that Adelaide city should be "smoke free" for one day during 2009 and two days in 2010.

(February 27, April 2 - Lapsed due to Prorogation)

**TOBACCO PRODUCTS REGULATION (INDIRECT ORDERS) AMENDMENT BILL**

The purpose of this Bill is to ban the retail sale of tobacco products by mail, telephone, fax, internet or other electronic means.

(May 30, November 14 - Bill Withdrawn in House of Assembly)

**TOBACCO PRODUCTS REGULATION (MISCELLANEOUS) AMENDMENT BILL**

This Bill amends the Tobacco Products Regulation Act 1997 by banning tobacco products from counting towards the accumulation of points or any other reward, discount or benefit associated with customer loyalty and reward schemes, and banning the purchase of tobacco products from an unattended vending machine.

Under section 42(1) of the Tobacco Products Regulation Act 1997, it is currently illegal for a person to provide or offer to provide a prize, gift or other benefit in order to promote the sale of a tobacco product. However, if the scheme applies equally across a whole range of products in the store or supermarket, the current customer loyalty and reward schemes are legal because the reward applies to all of the products at the supermarket or store, not just tobacco products.

Closing this loophole, by excluding tobacco products from a reward scheme, is likely to reduce tobacco consumption rates and sends prospective customers a clear message that tobacco smoking is not an activity worthy of a reward.

Currently, liquor licensed and gambling premises are restricted to one vending machine for each premise. This vending machine must be located in either a specified gaming area or, in the case of a liquor licensed venue, be operated by obtaining a token or some other assistance from a staff member. In the latter case, most hospitality businesses use a remote control facility to enable a purchase of a tobacco product.

The Bill further strengthens the Act by restricting a customer's direct access to a tobacco vending machine. A customer will no longer be able to buy tobacco products directly from a machine. In future, a customer will require staff assistance to activate the vending machine by either a token or remote control in order to buy a packet of cigarettes. Introducing this additional step into the purchasing transaction will make it very difficult for a minor to buy tobacco through a tobacco vending machine.

The Bill also prevents the sale of tobacco products by retail if the order for the tobacco product was received by mail, telephone, facsimile, internet or other electronic communication.

(September 25, October 18, 23, November 14 - Act No. 58 of 2007)

**TOBACCO PRODUCTS REGULATION (OUTDOOR EATING AREAS) AMENDMENT BILL**

The purpose of this Bill is to ban smoking in an outdoor area at any time when food is being eaten, or is otherwise present, in the area.

(June 6, September 12, November 21 - Lapsed due to Prorogation)

**TOBACCO PRODUCTS REGULATION (PROHIBITION ON SMOKING IN CHILDREN'S RECREATIONAL PARKS) AMENDMENT BILL**

The purpose of this Bill is to ban people smoking in playgrounds, or recreational grounds, commonly used by children. The Bill amends the Tobacco Products Regulation Act.

(November 14, March 5 - Lapsed due to Prorogation)

### **VICTIMS OF CRIME (VICTIM PARTICIPATION) AMENDMENT BILL**

This Bill amends the Victims of Crime Act in three ways. Firstly, it strengthens the existing provisions in the Act for the treatment of victims in the criminal justice system. The amendments would strengthen these provisions so that they are expressed primarily as rights to provide that victims must be treated appropriately and must be provided with certain information.

Secondly, it creates the Office of the Victims Advocate. The Victims Advocate would be a legal practitioner appointed by the Governor.

Thirdly, it allows the Victims Advocate to conduct inquiries on behalf of victims into investigations and prosecutions so that victims can be assured that the matters are being dealt with properly. This type of inquiry would not delay the relevant investigation or prosecution, but should be conducted parallel with it. The Bill also provides for reports by the Victims Advocate following any inquiry, and these are handled in a manner similar to reports by the Ombudsman. If the victims advocate has concerns and makes recommendations in relation to an investigation, the prosecution or proposed examinable decision, they are reported to the victim, the relevant law enforcement or prosecution authority and to the Attorney-General. The relevant law enforcement or prosecution authority must report back to the Victims Advocate, with copies being provided to the victim and the Attorney-General, on what steps are being taken to address the recommendations.

(May 2 - Lapsed due to Prorogation)

### **WATERWORKS (MAKING OF RESTRICTIONS) AMENDMENT BILL**

This Bill proposes that, when restrictions or water conservation measures are needed because of a water shortage, the Parliament has the opportunity to debate the restriction to ensure that any restrictions that are put into place are well considered and have had the input of the Parliament.

(September 26, November 14, February 13 - Lapsed due to Prorogation)

### **WEST BEACH RECREATION RESERVE (BOATING FACILITIES) AMENDMENT BILL**

The West Beach Recreation Reserve is a major tourist facility in metropolitan Adelaide and includes a boating facility. This facility provides a safe boat launching and harbour facility, car parking areas, boat storage, boat commercial facilities, sea rescue squadron, and sailing club and ancillary uses.

While the West Beach Recreation Reserve Act clearly sets out the role of the West Beach Trust in promoting recreation and tourist accommodation facilities, it does not clearly provide the Trust with sufficient scope to promote the boating and ancillary uses for the area.

The purpose of this Bill is to provide a clear reference for the Board while making sure that such activities are restricted to a designated area in order to ensure that there is a proper balance between the recreation, tourist accommodation and boating and associated facility components.

(July 31, September 25 - Act No. 39 of 2007)