



# **LEGISLATIVE COUNCIL**

OF

**SOUTH AUSTRALIA**

## **STATISTICS**

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

27 April 2006 to 5 April 2007

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

The Hon. ANDREW LEE EVANS, O.A.M.

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.  
(Leader of the Opposition, Legislative Council)

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

The Hon. DAVID WICKHAM RIDGWAY

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.

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, B.A.(Juris.)

*THE DEPUTY CLERK AND  
USHER OF THE BLACK ROD*

Mr. Trevor R. BLOWES, B.A.

*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.

**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 M C Parnell MLC	Ms L R Breuer MP
The Hon D W Ridgway MLC	The Hon R B Such MP
The Hon R P Wortley MLC	Mr I Venning MP

Committee Secretary: Mr. P. Frensham

**LEGISLATIVE REVIEW COMMITTEE**

Appointed 2 May 2006

The Hon A M Bressington MLC	Miss C Fox MP
The Hon J M Gazzola MLC	Mrs R K Geraghty MP
The Hon R D Lawson MLC	Mrs I Redmond MP

Committee Secretary: Mr. G. Kosmas, B.Arch.St., B.A.(Hons.), LL.B., G.D.L.P.

**SOCIAL DEVELOPMENT COMMITTEE**

Appointed 2 May 2006

The Hon DGE Hood MLC	Mr A S Pederick MP
The Hon I K Hunter MLC	Ms L A Simmons MP
The Hon S G Wade MLC	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 B V Finnigan MLC	The Hon T J Stephens MLC
The Hon I K Hunter MLC	The Hon N Xenophon MLC
The Hon JMA Lensink MLC	

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

**OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION COMMITTEE**

Appointed 2 May 2006

The Hon B V Finnigan MLC	Mr T R Kenyon MP
The Hon S G Wade MLC	Mr T Koutsantonis MP
The Hon N Xenophon MLC	Mr D G Pisoni MP

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

## **STATUTORY OFFICERS COMMITTEE**

Appointed 2 May 2006

The Hon P Holloway MLC (Minister for  
Police)  
The Hon R D Lawson MLC  
The Hon N Xenophon MLC

The Hon M J Atkinson MP (Attorney-General)  
The Hon R G Kerin MP  
Ms L A Simmons MP

Committee Secretary: Mr. T. R. Blowes, B.A.

## **NATURAL RESOURCES COMMITTEE**

Appointed 2 May 2006

The Hon S M Kanck MLC  
The Hon C V Schaefer MLC  
The Hon R P Wortley MLC

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

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 A L Evans MLC  
The Hon J M Gazzola MLC  
The Hon JMA Lensink MLC

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

Executive/Research Officer: Mr. J. Nicholls, B.A.(Hons.)

## **JOINT COMMITTEE**

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### **JOINT PARLIAMENTARY SERVICE COMMITTEE**

Appointed 2 May 2006

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

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

## SESSIONAL COMMITTEES

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### STANDING ORDERS COMMITTEE

Appointed 27 April 2006

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

### PRINTING COMMITTEE

Appointed 27 April 2006

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 B V Finnigan MLC	The Hon N Xenophon MLC
The Hon R I Lucas MLC	The Hon R P Wortley MLC
The Hon D W Ridgway MLC	

### ATKINSON/ASHBOURNE/CLARKE AFFAIR

Appointed 7 June 2006

The Hon B V Finnigan MLC	The Hon R I Lucas MLC
The Hon S M Kanck MLC	The Hon R P Wortley MLC
The Hon R D Lawson MLC	

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

Appointed 31 May 2006

The Hon B V Finnigan MLC	The Hon S G Wade MLC
The Hon I K Hunter MLC	The Hon N Xenophon MLC
The Hon R I Lucas MLC	

**FAMILIES SA**

Appointed 14 March 2007

The Hon A M Bressington MLC  
The Hon A L Evans MLC

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

**PRICING, REFINING, STORAGE AND SUPPLY OF FUEL IN SOUTH AUSTRALIA**

Appointed 7 June 2006

The Hon B V Finnigan MLC  
The Hon I K Hunter MLC  
The Hon D W Ridgway MLC

The Hon T J Stephens MLC  
The Hon N Xenophon 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

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

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**BUDGET AND FINANCE**

Appointed 28 March 2007

The Hon J M Gazzola MLC  
The Hon DGE Hood MLC  
The Hon R I Lucas MLC

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

**FIRST SESSION OF THE FIFTY-FIRST PARLIAMENT  
PERIOD FROM 27 APRIL 2006 TO 5 APRIL 2007**

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

Legislative Council origin	58
House of Assembly origin	<u>51</u>
	<b>109</b>

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

Legislative Council origin	18
House of Assembly origin	<u>43</u>
	<b>61</b>

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

**Legislative Council origin:**

Administrative Decisions (Effect of International Instruments) Act Repeal - lapsed in Council.  
Bail (Presumption Against Bail) Amendment - lapsed in Council.  
Children's Protection (Investigations) Amendment - lapsed in Council.  
Civil Liability (Solatium) Amendment - lapsed in Council.  
Controlled Substances (Cannabis Offences) Amendment - lapsed in House of Assembly.  
Controlled Substances (Sale of Equipment) Amendment - lapsed in Council.  
Criminal Law Consolidation (Serious Criminal Trespass) Amendment - lapsed in Council.  
Criminal Law (Sentencing) (Drug Offences) Amendment - lapsed in Council.  
Criminal Law (Sentencing) (Victim Impact) Amendment - lapsed in House of Assembly.  
Development (Regulated Trees) Amendment - lapsed in Council.  
Education (Random Drug Testing) Amendment - lapsed in Council.  
Electricity (Compensation for Blackouts) Amendment - lapsed in Council.  
Gaming Machines (Club One) Amendment - lapsed in Council.  
Local Government (Open Space) Amendment - lapsed in Council.  
Lottery and Gaming (Betting on Losing) Amendment - lapsed in Council.  
Members of Parliament (Random Drug Testing) - lapsed in Council.  
Monitored Treatment Programs - lapsed in Council.  
Motor Vehicles (Expiation of Offences) Amendment - lapsed in Council.  
Nuclear Facility (Prohibition) - lapsed in Council.  
Occupational Health Safety and Welfare (Aggravated Offence) Amendment - lapsed in Council.  
Occupational Health, Safety and Welfare (Inspections by Union Officials) Amendment - lapsed in Council.  
Protection of Public Participation - lapsed in Council.  
Protective Security - lapsed in Council.  
Residential Tenancies (Application of Section 65) Amendment - lapsed in Council.  
Road Traffic (Penalties) Amendment - lapsed in Council.  
Road Traffic (Previous Convictions) Amendment - lapsed in Council.  
Sewerage (Greywater) Amendment - lapsed in House of Assembly.  
Sewerage (Water Management Measures – Use of Waste Material) Amendment - lapsed in House of Assembly.  
Statutes Amendment (Prohibition on Minors Participating in Lotteries) - lapsed in Council.  
Statutes Amendment (Relationships) - lapsed in Council.  
Statutes Amendment (Review of Terrorism Legislation) - lapsed in Council.  
Statutes Amendment (Surrogacy) - withdrawn and referred to Social Development Committee.  
Summary Offences (Ticket Scalping) Amendment - negatived in Council.  
Summary Procedure (Paedophile Restraining Orders) Amendment - lapsed in Council.  
Tobacco Products Regulation (Clean Air Zones) Amendment - negatived in Council.  
Tobacco Products Regulation (Retail Display) Amendment - lapsed in Council.

Upper South East Dryland Salinity and Flood Management (Natural Resources Committee) Amendment - withdrawn in Council.

Victims of Crime (Victim Participation) Amendment - lapsed in Council.

Waterworks (Water Management Measures – Use of Rainwater) Amendment - lapsed in House of Assembly.

WorkCover Corporation (Auditor-General) Amendment - lapsed in House of Assembly.

**House of Assembly origin:**

Climate Change and Greenhouse Emissions Reduction - lapsed in House of Assembly.

Criminal Law (Sentencing) (Dangerous Offenders) Amendment - lapsed in Council.

Psychological Practice - lapsed in Council.

Public Finance and Audit (Auditor-General Retirement Age) Amendment - lapsed in Council.

Residential Parks - lapsed in House of Assembly.

Statutes Amendment (Affordable Housing) - lapsed in Council.

Statutes Amendment (Real Estate Industry Reform) - lapsed in Council.

Supply - lapsed in Council.

**SITTINGS OF COUNCIL**

The Council met on 52 days and sat for a total number of 305 hours 29 minutes.

**FIRST SESSION OF THE FIFTY-FIRST PARLIAMENT**  
**LIST OF BILLS WHICH PASSED BOTH HOUSES OF PARLIAMENT**  
**DURING THE PERIOD FROM 27 APRIL 2006 TO 5 APRIL 2007**

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**ORIGINATED IN THE LEGISLATIVE COUNCIL**

	<b>Bill No.</b>	<b>Act No.</b>
Commission of Inquiry (Children in State Care) (Privileges and Immunities) Amendment	33, 33A	18 of 2006
Criminal Law Consolidation (Dangerous Driving) Amendment	3, 3A	14 of 2006
Development (Assessment Procedures) Amendment	75, 75A	17 of 2007
Development (Building Safety) Amendment	76	38 of 2006
Development (Development Plans) Amendment	32, 32A	25 of 2006
Development (Panels) Amendment	1, 1A	15 of 2006
Groundwater (Border Agreement) (Amending Agreement) Amendment	18	20 of 2006
Natural Resources Management (Extension of Terms of Office) Amendment	77	3 of 2007
River Torrens Linear Park	2, 2A	7 of 2006
Road Traffic (Notices of Licence Disqualification or Suspension) Amendment	57	39 of 2006
Southern State Superannuation (Insurance, Spouse Accounts and other Measures) Amendment	71	40 of 2006
Statutes Amendment (Electricity Industry Superannuation Scheme)	72	35 of 2006
Statutes Amendment (New Rules of Civil Procedure)	19	17 of 2006
Tobacco Products Regulation (Miscellaneous Offences) Amendment	68, 68A	15 of 2007
Tobacco Products Regulation (Prohibited Tobacco Products) Amendment	17	16 of 2006
Tobacco Products Regulation (Smoking in Cars) Amendment	67	9 of 2007
Upper South East Dryland Salinity and Flood Management (Extension of Period of Scheme) Amendment	40, 40A	29 of 2006
Water Efficiency Labelling and Standards	20	8 of 2006

**ORIGINATED IN THE HOUSE OF ASSEMBLY**

	<b>Bill No.</b>	<b>Act No.</b>
Anangu Pitjantjatjara Yankunytjatjara Land Rights (Regulated Substances) Amendment	34	19 of 2006
Appropriation	53	28 of 2006
Barley Exporting	98, 98A	6 of 2007
Child Sex Offenders Registration	39, 39A	32 of 2006
City of Adelaide (Representation Review) Amendment	23	6 of 2006
Criminal Law Consolidation (Drink Spiking) Amendment	64, 64A	1 of 2007
Criminal Law Consolidation (Throwing Objects at Vehicles) Amendment	8, 8A	9 of 2006
Criminal Law (Forensic Procedures)	88, 88A	5 of 2007
Dental Practice (Miscellaneous) Amendment	69	31 of 2006
Emergency Management (State Emergency Relief Fund) Amendment	79	42 of 2006
Environment, Resources and Development Court (Jurisdiction) Amendment	22	11 of 2006
Evidence (Suppression Orders) Amendment	47, 47A	30 of 2006
Evidence (Use of Audio and Audio Visual Links) Amendment	38, 38A	33 of 2006
Fisheries Management	73, 73A	4 of 2007
Forest Property (Carbon Rights) Amendment	58	36 of 2006

	<b>Bill No.</b>	<b>Act No.</b>
Gas Pipelines Access (South Australia) (Greenfields Pipeline Incentives) Amendment	11	4 of 2006
Genetically Modified Crops Management (Extension of Review Period and Controls) Amendment	52	34 of 2006
Geographical Names (Miscellaneous) Amendment	42	24 of 2006
Government Financing Authority (Insurance) Amendment	21	2 of 2006
Institute of Medical and Veterinary Science (Miscellaneous) Amendment	9	1 of 2006
Liquor Licensing (Authorised Persons) Amendment	74	37 of 2006
Local Government (Stormwater Management) Amendment	87, 87A	8 of 2007
Magistrates (Part-time Magistrates) Amendment	46	26 of 2006
Motor Vehicles (National Transport Commission) Amendment	105	14 of 2007
Motor Vehicles (Third Party Insurance) Amendment	94	16 of 2007
Murray-Darling Basin (Amending Agreement) Amendment	35	22 of 2006
Natural Resources Management (Transfer of Water Licences) Amendment	10, 10A	12 of 2006
Optometry Practice	99	11 of 2007
Pharmacy Practice	95, 95A	7 of 2007
Public Finance and Audit (Refund or Recovery of Small Amounts) Amendment	93	12 of 2007
Stamp Duties (Land Rich Entities)	54	27 of 2006
State Lotteries (Miscellaneous) Amendment	91, 91A	13 of 2007
Statutes Amendment (Disposal of Human Remains)	27	10 of 2006
Statutes Amendment (Domestic Partners)	78	43 of 2006
Statutes Amendment (Electricity and Gas)	36	21 of 2006
Statutes Amendment (Justice Portfolio)	63, 63A	44 of 2006
Statutes Amendment (Public Sector Employment)	66	41 of 2006
Statutes Amendment (Road Transport Compliance and Enforcement)	26, 26A	13 of 2006
Summary Offences (Gatecrashers at Parties) Amendment	80, 80A	2 of 2007
Superannuation (Administered Schemes) Amendment	25, 25A	5 of 2006
Supply	7	3 of 2006
Terrorism (Preventative Detention) (Miscellaneous) Amendment	106	10 of 2007
Workers Rehabilitation and Compensation (Territorial Application of Act) Amendment	41	23 of 2006



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

(From 27 April 2006 to 5 April 2007)

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
Barley Exporting	1	1	-	-	-	-
Child Sex Offenders Registration	10	9	1	1	-	-
Climate Change and Greenhouse Emissions Reduction	17	-	-	-	-	Lapsed in House of Assembly.
Criminal Law (Forensic Procedures)	38	38	-	-	-	-
Criminal Law Consolidation (Drink Spiking) Amendment	3	3	-	-	-	-
Criminal Law Consolidation (Throwing Objects at Vehicles) Amendment	5	5	-	-	-	-
Evidence (Suppression Orders) Amendment	4	4	-	-	-	-
Evidence (Use of Audio and Audio Visual Links) Amendment	1	-	1 alternative amendment agreed to by L.C.	1	-	-
Fisheries Management	30	30	-	-	-	-
Local Government (Stormwater Management) Amendment	8	8	-	-	-	-
Natural Resources Management (Transfer of Water Licences) Amendment	2	2	-	-	-	-
Pharmacy Practice	1	1	-	-	-	-
Residential Parks	18	-	-	-	-	Lapsed in House of Assembly.
Statutes Amendment (Justice Portfolio)	5	-	5	5	-	-

<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>
Statutes Amendment (Road Transport Compliance and Enforcement) Amendment	1	1	-	-	-	-
Summary Offences (Gatecrashers at Parties) Amendment	2	2	-	-	-	-
Superannuation (Administered Schemes) Amendment	1	1	-	-	-	-
State Lotteries (Miscellaneous) Amendment	2	2	-	-	-	-

**LEGISLATIVE COUNCIL**  
**FIRST 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, 2 May 2006.  
Seconded by The Hon I K Hunter, 2 May 2006.  
Adopted and presented to Her Excellency The Governor on 11 May 2006.

**PRESIDENT OF THE LEGISLATIVE COUNCIL - RULINGS -**

**Statements -**

Mr John Rumbelow, 19 September 2006.  
Mobile Phones, 21 February 2007.  
Mr Martin Banham, General Manager, Hillier Park, 29 March 2007.

**CONDOLENCE MOTIONS -**

**Death of The Hon T G Roberts -**

Motion of regret moved by the Minister for Police and carried in silence, 27 April 2006.

**Death of Mr T McRae -**

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

**Death of Mr M deRohan -**

Motion of regret moved by the Minister for Police and carried in silence, 31 October 2006.

**Death of The Hon N K Foster -**

Motion of regret moved by the Minister for Police and carried in silence, 23 November 2006.

**Death of The Hon R C DeGaris -**

Motion of regret moved by the Minister for Police and carried in silence, 7 February 2007.

**GOVERNMENT MOTIONS -**

**Expression of thanks to former Members -**

Moved by the Minister for Police and agreed to, 27 April 2006.

**Citizen's Right of Reply -**

Moved by the Minister for Police, 2 May 2006, amendment moved by The Hon R D Lawson, 9 May 2006, amendment agreed to, motion as amended agreed to, 30 May 2006.

**Fair Work Act 1994 - Section 29 - Council Nominee for Panel -**

Moved by the Minister for Police and agreed to, 16 November 2006.

**Fair Work Act 1994 - Section 58 - Council Nominee for Panel -**

Moved by the Minister for Police and agreed to, 21 June 2006.

**Monday Sittings -**

Moved by the Minister for Police and agreed to, 2 May 2006.

**National Parks and Wildlife Act - Proclamation under section 28(2) and section 43 -**

Moved by the Minister for Environment and Conservation and agreed to, 30 August 2006.  
(*Government Gazette*, 18 January 2007)

**Publishing on Parliamentary Website speech of Hon S M Kanck -**

Moved by the Minister for Police, amendment moved by The Hon N Xenophon and agreed to, motion as amended agreed to, 31 August 2006.

**SELECT COMMITTEES - COUNCIL -**

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

Moved by The Hon R I Lucas, 3 May 2006 and agreed to, 7 June 2006.  
Extension of time for bringing up Report - moved by The Hon B V Finnigan and agreed to, 20 September 2006, 6 December 2006.  
Power to sit during the recess - moved by The Hon B V Finnigan and agreed to, 28 March 2007.

**Atkinson/Ashbourne/Clarke Affair -**

Moved by The Hon R I Lucas, 3 May 2006 and agreed to, 7 June 2006.  
Extension of time for bringing up Report - moved by The Hon R P Wortley and agreed to, 20 September 2006, 6 December 2007.  
Power to sit during recess - moved by The Hon R P Wortley and agreed to, 28 March 2007.

**Budget and Finance Committee -**

Moved by The Hon R I Lucas, 7 February 2007, amendment moved by The Hon M C Parnell, amendment agreed to, motion as amended agreed to, 28 March 2007.  
Power to sit during recess - moved by The Hon R I Lucas and agreed to, 28 March 2007.

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

Moved by The Hon R I Lucas, 3 May 2006 and agreed to, 31 May 2006.  
Extension of time for bringing up Report - moved by The Hon R P Wortley and agreed to, 20 September 2006, 6 December 2006.  
Power to sit during recess - moved by The Hon R P Wortley and agreed to, 28 March 2007.

**Families SA -**

Moved by The Hon A M Bressington, 21 February 2007, amendments moved by The Hon S M Kanck, The Hon A L Evans and The Hon I K Hunter, amendments agreed and disagreed to, motion as amended agreed to, 14 March 2007.  
Power to sit during recess - moved by The Hon A M Bressington and agreed to, 14 March 2007.

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

Moved by The Hon N Xenophon, 10 May 2006 and agreed to 7 June 2006.  
Extension of time for bringing up Report - moved by The Hon I K Hunter and agreed to, 20 September, 6 December 2006.  
Power to sit during recess - moved by The Hon I K Hunter and agreed to, 28 March 2007.

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

Moved by The Hon N Xenophon, 3 May 2006, amendments moved by The Hon C V Schaefer and The Hon A Bressington, amendments agreed to, motion as amended agreed to, 21 June 2006.  
Extension of time for bringing up Report - moved by The Hon R P Wortley and agreed to, 20 September, 6 December 2006.  
Power to sit during recess - moved by The Hon R P Wortley and agreed to, 28 March 2007.

**COMMITTEES - JOINT -**

**Statutory Officers -**

Report, 2005-2006 brought up, 5 December 2006.

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

**Moved by Member on own behalf -**

**Development Act - Clarification of Public Notice Categories -**

Moved by The Hon M C Parnell, 20 September 2006 and disagreed to, 29 March 2007.

**Development Act - Miscellaneous -**

Moved by The Hon M C Parnell, 20 September 2006 and disagreed to, 29 March 2007.

**PRIVATE MEMBERS' MOTIONS -**

**Aboriginal Lands Parliamentary Standing Committee - Report, 2005-2006 - Noting of -**

Moved by The Hon J M Gazzola, 21 February 2007 and agreed to, 14 March 2007.

**Bakewell Bridge Redevelopment -**

Moved by The Hon M C Parnell, 30 August 2006 and agreed to, 1 November 2006.

**Damming of Lake Bonney -**

Moved by The Hon S M Kanck, 7 February 2007 and agreed to, 28 March 2007.

**David Hicks' Return to South Australia -**

Moved by The Hon M C Parnell, 7 February 2007. (*Motion lapsed due to Prorogation*)

**Detention of Mr David Hicks -**

Moved by The Hon R P Wortley, 7 February 2007 and agreed to, 14 March 2007.

**Environment, Resources and Development Committee - Report, 2004-2005, on Upper South East Dryland Salinity and Flood Management Act 2002 - Noting of -**

Moved by The Hon R P Wortley and agreed to, 21 June 2006.

**Environment, Resources and Development Committee - Report, 2005-2006, on Upper South East Dryland Salinity and Flood Management Act 2002 - Noting of -**

Moved by The Hon R P Wortley and agreed to, 6 December 2006.

**Environment, Resources and Development Committee Report, 2005-2006 - Noting of -**

Moved by The Hon R P Wortley, 15 November 2006 and agreed to, 6 December 2006.

**EPA Monitoring of Air Quality in Kilburn/Gepps Cross Areas -**

Moved by The Hon N Xenophon, 1 November 2006, amendment moved by the Minister for Environment, amendment disagreed to, motion agreed to, 7 December 2006.

**Investigation into Conduct of RSPCA (SA) in Handling Certain Matters -**

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

**Lack of Legal Voluntary Euthanasia -**

Moved by The Hon S M Kanck, 30 August 2006. *(Motion lapsed due to Prorogation)*

**Natural Resources Committee - Report on Mineral Resource Development in South Australia - Noting of -**

Moved by The Hon R P Wortley, 6 December 2006 and agreed to, 21 February 2007.

**Non-Government Community Services Sector -**

Moved by The Hon M C Parnell, 21 February 2007. *(Motion lapsed due to Prorogation)*

**Performance and Management of WorkCover Corporation - Auditor-General to examine -**

Moved by The Hon R I Lucas, 22 November 2006. *(Motion lapsed due to Prorogation)*

**Petition re the Digging of the Didicoolum Drain - Noting of -**

Moved by The Hon D W Ridgway, 6 December 2006. *(Motion lapsed due to Prorogation)*

**Petitions of Mercy made to the Governor -**

Moved by The Hon DGE Hood, 14 March 2007. *(Motion lapsed due to Prorogation)*

**Prevention of Cruelty to Animals Act - Motion for Select Committee on -**

Moved by The Hon M C Parnell, 27 September 2006 and disagreed to, 6 December 2006.

**Social Development Committee - Report on Fast Foods and Obesity Inquiry- Noting of -**

Moved by The Hon I K Hunter, 28 March 2007. *(Motion lapsed due to Prorogation)*

**Social Development Committee - Report on the Impact of International Education Activities in South Australia - Noting of -**

Moved by The Hon I K Hunter and agreed to, 31 May 2006.

**SA Flora's Belair Nursery - 120th Anniversary -**

Moved by The Hon R P Wortley, 6 December 2006. *(Motion lapsed due to Prorogation)*

**South Australian Certificate of Education - Social Development Committee to inquire into -**

Moved by The Hon S G Wade, 31 May 2006 and agreed to, 21 June 2006.

**Statutory Authorities Review Committee Report, 2005-2006 - Noting of -**

Moved by The Hon B V Finnigan, 1 November 2006 and agreed to, 15 November 2006.

**Treatment of Mr David Hicks -**

Moved by The Hon M C Parnell, 30 August 2006 and disagreed to, 6 December 2006.

**UN Report concerning Women and International Migration**

Moved by The Hon I K Hunter, 20 September 2006 and agreed to, 21 February 2007.

**Volunteer Surf Lifesavers -**

Moved by The Hon R P Wortley, 14 March 2007. *(Motion lapsed due to Prorogation)*

**PETITIONS**  
**LEGISLATIVE COUNCIL**  
**(From 27 April 2006 to 5 April 2007)**

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**ABORTION IN SOUTH AUSTRALIA**

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, 22 June 2006, 46 signatures.

**AQUACULTURE DEVELOPMENT NORTH OF WEST WALDEGRAVE ISLAND**

Praying that this Honourable House will urgently move to protect Australian sea lions, Southern Right Whales and Humpback Whales by preventing extensive abalone aquaculture development north of West Waldegrave Island in Anxious Bay and protect this unique and pristine area which forms part of the Waldegrave Island Conservation Park at Elliston in South Australia.

Presented by The Hon S M Kanck, 22 June 2006, 313 signatures.

Presented by The Hon M C Parnell, 22 June 2006, 61 signatures.

**CEDUNA QUAYS MARINA**

Praying that this Honourable House will acknowledge and take into account the community that does not want to see this development commence in the interest and prosperity of local industry, history and community.

Presented by The Hon B V Finnigan, 23 November 2006, 187 signatures.

**DIGGING OF DIDICOOLUM DRAIN**

Praying that this Honourable House will revoke the decision to dig the Didicoolum Drain and pray that commonsense, financial prudence and environmental caution inform that decision.

Presented by The Hon D W Ridgway, 5 December 2006, 326 signatures.

**ELIZABETH SOUTH NURSING HOME**

Praying that this Honourable House will prevail upon the Government of South Australia to maintain funding to the Elizabeth South Nursing Home, allowing it to remain open.

Presented by The Hon C V Schaefer, 7 December 2006, 4,309 signatures.

Presented by The Hon C V Schaefer, 8 February 2007, 150 signatures.

**EUROPEAN WASPS**

Praying that this Honourable House will urge the Government of South Australia to ensure the European Wasp Eradication Subsidy will continue in the 2005-2006 Budget year.

Presented by The Hon S M Kanck, 22 June 2006, 59 signatures.

#### **GENETICALLY MODIFIED CROPS MANAGEMENT ACT 2004**

Praying that this Honourable House will amend the *Genetically Modified Crops Management Act 2004* to -

- extend South Australia's commercial GM crop ban until 2009;
- prohibit exemptions from the Act, particularly the protection of GM canola seed; and
- commission State funded scientific research into GM organisms, health and the environment in close consultation with the SA public and other governments.

Presented by The Hon. S M Kanck, 8 June 2006, 78 signatures.

Presented by The Hon. M C Parnell, 31 August 2006, 237 signatures.

Presented by The Hon. M C Parnell, 16 November 2006, 214 signatures.

Presented by The Hon. M C Parnell, 29 March 2007, 123 signatures.

#### **LAND TAX**

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

1. Substantially raise the threshold at which land tax is payable to reflect the recent increases in property values.
2. Increase the time allowed for land tax payment and allow payment by instalments.
3. Change the rate at which land tax is levied to reduce the effect of "bracket creep".
4. Review the effects of land tax on self funded retirees.

Presented by The Hon N Xenophon, 22 June 2006, 2,956 signatures.

#### **PETERBOROUGH'S BUILT RAILWAY HERITAGE**

Praying that this Honourable House will consider and support their request that the current State Heritage listing of railway buildings of significance in Peterborough be revised and amended to include all the remaining built railway heritage in this town.

Presented by The Hon. M C Parnell, 22 February 2007, 174 signatures.

#### **PLANS TO DRAIN LAKE BONNEY AND BUILD A WEIR AT 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, 22 February 2007, 112 signatures.

Presented by The Hon. S M Kanck, 29 March 2007, 396 signatures.

#### **PROPOSAL TO CONSTRUCT TRAMLINE FROM VICTORIA SQUARE TO NORTH TERRACE**

Praying that this Honourable House will do its utmost to convince the State Government not to proceed to construct such a tramline and remove trees, flag poles and median strip and create extreme congestion in Adelaide's major thoroughfare. The Petitioners also request the retention of the existing free bus routes in that vicinity.

Presented by The Hon. JSL Dawkins, 8 June 2006, 2,753 signatures.

Presented by The Hon. JSL Dawkins, 21 September 2006, 230 signatures.

Presented by The Hon. JSL Dawkins, 28 September 2006, 53 signatures.

Presented by The Hon. JSL Dawkins, 2 November 2006, 32 signatures.

Presented by The Hon. JSL Dawkins, 8 February 2007, 49 signatures.

### **PROPOSED TRAMLINE EXTENSION, ENVIRONMENTAL IMPACTS**

Praying that this Honourable House will urge the Government to revoke its decision to extend the tramline and request the Premier to instead delegate funds to projects of greater necessity.

Presented by The Hon. D W Ridgway, 29 March 2007, 595 signatures.

### **RECONCILIATION PROCESS IN SOUTH AUSTRALIA**

Praying that this Honourable House will make an official apology to the Ngarrindjeri people which will then mark the beginning of a new process of healing and reconciliation for all South Australians.

Presented by The Hon S M Kanck, 22 June 2006, 54 signatures.

### **SOUTH AUSTRALIAN TAXI SUBSIDY SCHEME**

Praying that this Honourable House will call on the Premier to ensure unlimited vouchers for members who are unable to use public transport and that the \$30 fare limit for subsidised service be increased.

Presented by The Hon S M Kanck, 22 June 2006, 8 signatures.

Presented by The Hon S M Kanck, 15 March 2007, 36 signatures.

### **VENUS BAY GARFISH FISHERY**

Praying that this Honourable House will give its early attention to this historic fishery, towards over-turning the closure to enable the said fishery to be commercially fished again to allow its particular garfish seafood product to again be distributed throughout regional Eyre Peninsula and other intrastate and interstate markets. In parallel, the undersigned humbly seek consideration for a SARDI scientific representative to be made available at the previous Venus Bay Garfish Fishery site, to be assisted by the remaining licence holders, to complete a study of this particular fishery considered unique to other garfish fisheries in South Australia and being significantly important to the tourism and hospitality industry in the region.

Presented by The Hon C V Schaefer, 22 June 2006, 315 signatures.

## **SYNOPSIS OF COUNCIL LEGISLATION**

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### **ADMINISTRATIVE DECISIONS (EFFECT OF INTERNATIONAL INSTRUMENTS) ACT REPEAL BILL**

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

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

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

The purpose of this Bill is to repeal the Act.

(February 7 - Lapsed due to Prorogation)

### **BAIL (PRESUMPTION AGAINST BAIL) AMENDMENT BILL**

The purpose of this Bill is to amend Section 10A of the Bail Act which currently provides that a bail authority should release an applicant on bail unless there are certain factors established by those opposing bail. This Bill changes that onus to a presumption against bail in certain cases in relation to repeat offenders, to persons charged with certain serious offences, and to persons who are charged with offences committed whilst they are on bail.

(February 21 - Lapsed due to Prorogation)

### **CHILDREN'S PROTECTION (INVESTIGATIONS) AMENDMENT BILL**

The amendments in this Bill to the Children's Protection Act will provide that all complaints of child abuse and neglect in South Australia must be investigated. The only exceptions, which would remain pursuant to the current Act, are that frivolous or vague allegations will not require investigation or where arrangements have already been made to ensure a child's safety.

(March 14 - Lapsed due to Prorogation)

### **CIVIL LIABILITY (SOLATIUM) AMENDMENT BILL**

The Civil Liability Act 1936 currently provides that if a child is wrongfully killed, the maximum payment to parents for solatium is \$3,000 and if a spouse is wrongfully killed, the maximum payment to the surviving spouse for solatium is \$4,200. The purpose of this Bill is to increase the \$3,000 limit for the loss of a child to \$60,000 and for the loss of a spouse from \$4,200 to \$75,000.

(May 31 - Lapsed due to Prorogation)

### **COMMISSION OF INQUIRY (CHILDREN IN STATE CARE) (PRIVILEGES AND IMMUNITIES) AMENDMENT BILL**

The Commission of Inquiry into Children in State Care has been operating since 18 November 2004. It investigates allegations of sexual abuse of State children and deaths of State children caused by criminal conduct. Many matters have been referred to the police and it is anticipated that criminal proceedings will be commenced against alleged perpetrators.

This Bill amends the *Commission of Inquiry (Children in State Care) Act 2004* to ensure that the confidentiality provisions of the legislation are always observed. It is necessary that persons can approach the Commission in confidence. If those confidentiality provisions are not maintained, it is anticipated that many persons will decide not to make disclosure.

The amendments in this Bill will prevent disclosure to alleged perpetrators of all of the information held by the inquiry. Without the amendments, the Commissioner may be forced to disclose all information which he has received, even though it may not be admissible in any legal proceedings. The Commissioner is of the view that his work will be severely compromised if persons charged with criminal offences may compel disclosure of information which has been given in confidence.

(June 21, 22 - Act No. 18 of 2006)

#### **CONTROLLED SUBSTANCES (CANNABIS OFFENCES) AMENDMENT BILL**

The purpose of this Bill is to amend the Controlled Substances Act to remove any right to an expiation fee for growing cannabis plants. The amendments to the Act do not apply in relation to any offences committed before the commencement of this Bill.

(May 31, September 20, November 22, December 6 - Lapsed due to Prorogation)

#### **CONTROLLED SUBSTANCES (SALE OF EQUIPMENT) AMENDMENT BILL**

This Bill amends the Controlled Substances Act 1984, specifically relating to the sale of equipment used to consume and manufacture cannabis. The Bill will make the sale or possession of equipment, namely, pipes, water pipes and bongs, an offence with an increased fine for the sale of these items and a further increase in fine with the possibility of imprisonment for the sale to minors.

The Bill brings the penalties for the sale of this equipment to minors in line with the tobacco regulations. The Bill also takes into consideration the sale of hydroponic equipment for the purpose of cultivating cannabis, with the sale of such equipment being subject to a fine and/or imprisonment, with a more severe penalty for the sale of such equipment to minors.

(June 7, September 20, 27 - Lapsed due to Prorogation)

#### **CRIMINAL LAW CONSOLIDATION (DANGEROUS DRIVING) AMENDMENT BILL**

The purpose of this Bill is to insert a new section 19AC into the *Criminal Law Consolidation Act 1935* which makes it an offence to drive a motor vehicle in a culpably negligent manner, recklessly, or at a speed or in a manner dangerous to the public intending to escape pursuit by a police officer or to cause a police officer to engage in a pursuit. The penalty for a basic offence is 3 years imprisonment and for an aggravated offence is 5 years imprisonment. In addition, the offender must be disqualified from holding or obtaining a driver's licence for a period of not less than 2 years.

The circumstances that will constitute an aggravated offence for the purposes of new section 19AC are prescribed -

- the offender was driving or using a motor vehicle that was stolen or was being driven or used without consent; or
- the offender was driving a motor vehicle knowing that he or she was disqualified from holding or obtaining a driver's licence or that his or her licence was suspended by notice under the *Road Traffic Act 1961*; or
- the offender had a blood alcohol concentration of .08 grams or more of alcohol in 100 millilitres of blood; or
- the offender was driving a motor vehicle in contravention of section 47 or 47BA of the *Road Traffic Act 1961*.

The Bill also makes the relationship between this new offence and an offence under section 29 (commonly referred to as the offence of "reckless endangerment") clear. A person cannot be guilty of both the section 19AC offence and reckless endangerment in respect of the same conduct and the section 19AC offence is not available as an alternative verdict in a trial of an offence of reckless endangerment unless the offence against section 19AC was specified in the instrument of charge as an alternative offence.

(May 2, 11, 30, June 6, 22 - Act No. 14 of 2006)

### **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 on 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.

(February 7, March 29 - Lapsed due to Prorogation)

### **CRIMINAL LAW (SENTENCING) (DRUG OFFENCES) AMENDMENT BILL**

This Bill provides that people who make drugs or who actively trade in drugs must serve a minimum of 75 per cent of their head sentence as a non-parole period. The Bill will apply the 75 per cent rule for the offences of producing, possessing for supply, manufacturing and taking part in the manufacture, supply and cultivation of illicit drugs, including amphetamines.

(March 14 - Lapsed due to Prorogation)

### **CRIMINAL LAW (SENTENCING) (VICTIM IMPACT) AMENDMENT BILL**

Currently a victim impact statement for a family being read to a defendant applies only to indictable offences.

The purpose of this Bill is to introduce similar provisions in relation to prescribed summary offences so that persons who have suffered injury, loss or damage as a result of such offences may also furnish the trial court with a statement about the impact of that injury, loss or damage on themselves or their family.

The Bill limits the nature of the matters to which this would extend to matters involving the death of or serious harm to a person. Serious harm is defined to include harm that endangers or is likely to endanger a person's life or harm that consists of or is likely to result in loss of serious or protracted impairment of a part of the body or a physical or mental function of or harm that consists of or is likely to result in serious disfigurement.

(May 3, 31, June 7 - Lapsed due to Prorogation)

### **DEVELOPMENT (ASSESSMENT PROCEDURES) AMENDMENT BILL**

The Development (Assessment Procedures) Amendment Bill introduces a range of improvements to the existing development assessment procedures.

The Bill provides clarification of the potential role of Regional Development Assessment Panels, including a potential concurrence role for non-complying development applications instead of the Development Assessment Commission. This provision elevates the role of such panels as part of the program to facilitate independent and elected members making regional assessment decisions.

The Bill enables applicants to work with Referral Agencies during the preparation of applications. If in such circumstances the Referral Agency confirms that the proposed application satisfies the requirements of that agency, the Bill exempts the need for the referral to that Agency once the application is lodged. In this way greater efficiencies will be achieved through better applications being lodged and through the removal of referrals on matters that have formally been resolved prior to lodgement of the application.

The Bill provides for notification to an adjoining owner or occupier when a building is to be constructed on the property boundary with a residence. To be consistent with the current provisions of the Act, such requirements are designated as Category 2A notification. This means that a neighbour directly affected by a development can have input into the development assessment process and be more informed about construction on the property boundary.

The Bill confirms that a variation to a consent or approval is a separate application and that only the issues subject to the variation application are to be considered. This will ensure timely decisions without the potential for retrospective requirements. Similarly, the Bill enables an appeal to be heard by the ERD Court on a particular condition without the time delays and expense of the full case being considered afresh.

The Bill also enables administrative disputes on development applications in specified cases to be heard by the Environment, Resources and Development Court, rather than the Supreme Court. This adds to the benefit of the State's planning and development system where all development related matters are considered by one specialist court.

This Bill introduces provisions that will require the swimming pool safety barriers for those pools approved or constructed prior to 1993 to conform to the same safety requirements as those constructed after 1993. It is envisaged that the regulations will require such pools to be of the post 1993 safety standard prior to the sale of the property.

The Mining Act enables a mining proposal to be assessed as a declared major development and the Development Act enables development associated with mining activity to be assessed as a declared major development. The Bill enables a single major development assessment process for a combined mining and mine processing proposal.

The Development Act encourages councils to prepare strategic plans and enter into agreements on the staged development of areas. The Bill clarifies that the Council Development Assessment Panel or delegated officer is still responsible for the assessment of development applications if a council has undertaken such planning and entered into associated agreements on the development of that area. This provision emphasises the role of council as a planning body and the Council Development Assessment Panel as a development assessment body.

The Bill enables certain forms of bonds or security to be prescribed to cover the cost of damage to infrastructure during construction. These provisions will assist councils to repair footpaths, curbing and roads as a result of construction and heavy vehicle access on a development site.

The technical amendment to section 50 implements a recommendation from the Ombudsman that councils should be able to hold open space funds in special funds without the statutory need for higher administrative costs associated with trust funds. This provides security without the higher costs.

The amendment to the Highways Act in Schedule 1 of the Bill clarifies provisions in the Heritage and Highways Acts. The Bill specifies that alterations or demolition of a State Heritage Place as a result of road works is subject to assessment under the Development Act.

(November 23, March 13, 15, 27, 29 - Act No. 17 of 2007)

#### **DEVELOPMENT (BUILDING SAFETY) AMENDMENT BILL**

Section 53A of the Development Act enables a relevant authority to require work to be done to improve the safety of a building if it considers that the existing building is unsafe while considering a development application for alterations or additions to the building.

This Bill will allow the regulations to prescribe a particular date that can be readily changed in future to ensure that there is the ability for relevant authorities to address safety issues in existing buildings that currently fall outside of the ambit of the current provisions contained in section 53A of the Development Act.

The Bill will provide that both local and state government have the ability to ensure that buildings that fall outside the current restricted ambit of operation of the Act can be required to be upgraded where there is a potential for roof failure and the catastrophic consequences that may ensue.

(November 23, December 5, 6 - Act No. 38 of 2006)

#### **DEVELOPMENT (PANELS) AMENDMENT BILL**

Since July 2001, Councils have been required to establish Council Development Assessment Panels in order to increase the impartiality and certainty of development assessment decisions. The purpose of this Bill is to amend the current provisions relating to development assessment by requiring that Council Development Assessment Panels have a mixture of elected members or council officers and specialist members. The Bill enables some elected members to be on the Council Development Assessment Panel and others to continue as advocates for their constituents as elected members.

The Bill requires each Council Development Assessment Panel to consist of seven members, with a specialist presiding member, up to three elected members or Council staff and at least three other specialist members. The Bill does not specify the precise skills or experience required by these specialised members on Council Development Assessment Panels, as the experience required will vary from area to area. Such specialist members need to have a reasonable knowledge of the operations and requirements of the Act and appropriate qualifications in a field relevant to the activities of the panel. This should provide the flexibility sought by Councils in rural areas when seeking to fill these important roles with specialist members and hence they should be able to fill these positions by drawing from the local community.

The Bill enables the Minister to agree to a variation of the number of members comprising a panel from seven to nine or five members in certain cases, particularly as previous submissions from rural Councils indicated that a five person panel would be more appropriate in some cases.

(May 2, 30, June 1, 6, 8 - Act No. 15 of 2006)

#### **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.

(December 7, March 13, 15 - Lapsed due to Prorogation)

#### **DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT BILL**

This Bill reinforces the importance for State and Local Government to undertake strategic planning on a regular basis and involve the community in preparation of such policies. Such strategic policies set the framework for more detailed development assessment policies contained in Development Plans.

The Bill refers to both physical and social infrastructure. There is a requirement that the relevant Minister and Government agencies provide Councils with information on infrastructure planning.

The Bill requires the Government to review the Planning Strategy on at least a five yearly basis. Such policies need to also address infrastructure issues.

The Bill also requires Councils to undertake strategic planning on a five yearly basis. Such provisions are addressed by clarifying the key elements in Section 30 of the *Development Act 1993*, “Review of Plans by Councils”, which has been a requirement since 1994.

The Bill encourages State and Local Government to ensure that development assessment policies contained in Development Plans are pertinent and up to date. As part of the streamlining of the amendments to Development Plans, the Bill places particular emphasis on State and Local Government, paying greater attention to the timeliness of the review of policies in Development Plans.

This Bill also incorporates provisions to improve the “Major Development” assessment procedures. The role of the Major Developments Panel is incorporated into the Development Assessment Commission. However, the current requirements for specialist experts is retained by the Minister appointing specialist members to the Development Assessment Commission when the Commission is dealing with a Major Development proposal.

(June 21, September 19, 20, 26 - Act No. 25 of 2006)

#### **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 student 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.

(August 30, September 27, February 7, 21, March 29 - Lapsed due to Prorogation)

### **ELECTRICITY (COMPENSATION FOR BLACKOUTS) AMENDMENT BILL**

This Bill amends the regulatory framework relating to the electricity supply in South Australia and specifically, the compensation payable to ETSA customers affected by power blackouts. The amendments in the Bill are aimed at strengthening the penalties payable to customers under the codes, so that they apply after three hours of blackout, and increases amounts payable in compensation.

(June 21, September 20 - 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 license. The Bill will prevent such clubs allocating, renting or dealing their gaming machine entitlements to hotels.

(September 20, March 14 - Lapsed due to Prorogation)

### **GROUNDWATER (BORDER AGREEMENT) (AMENDING AGREEMENT) AMENDMENT BILL**

The purpose of this Bill is to approve and ratify an amendment agreement to the Border Groundwater Agreement, the principal agreement. The principal agreement entered into between the states of Victoria and South Australia in 1985 provided for the coordinated management of groundwater resources in the vicinity of the Victorian and South Australian border.

Along the Victorian/South Australian border, groundwater occurs in two main aquifer systems comprising the tertiary confined sand aquifer and the tertiary limestone aquifer. The tertiary limestone aquifer is the primary source of groundwater for existing users. The use of the tertiary confined sand aquifer is generally limited to municipal supply, but there are increasing demands to use the aquifer where the tertiary limestone aquifer is fully allocated. The current management prescriptions were drafted with only the tertiary limestone aquifer in mind. They enable only broad-based management to be applied. This has served well to date but is no longer adequate due to the increased demand for groundwater resources and the need for more targeted management approaches that can be applied to specific circumstances, aquifer types, geological conditions and hydraulic conditions.

The amendments to the principal agreement are as follows. First, to distinguish between the two aquifers and enable subzones to be established for more effective local management. Secondly, to allow management prescriptions to be set for the different aquifers and subzones within a zone. Thirdly, to simplify two of the management prescriptions that are unclear; and, finally, to update references to other legislation.

(May 31, June 20, 22, August 29, 30, September 19 - Act No. 20 of 2006)

### **LOCAL GOVERNMENT (OPEN SPACE) AMENDMENT BILL**

This Bill relates to the Oakdale Avenue Reserve at Newton, which consists of some 10,000 square metres. The council has decided to sell off (substantially) that reserve, despite the concerns of the local community, and this Bill aims to remedy that situation.

The Bill provides for a new section of the Local Government Act which provides that, if a revocation of the classification of land as community land is to take place and that community land is significant open space, then the public consultation policy must provide for a copy of a council's report to be provided to electors who reside within 500 metres of the land and for those electors to make submissions to the council in relation to the matter.

If more than 10 per cent of electors notify the council that they want a poll to be conducted on the matter, a poll must be conducted under the Local Government (Elections) Act of the entire local government electorate.

If electors vote against the proposal, the revocation of the classification cannot go ahead unless a subsequent poll is undertaken and the result changed or the council is re-elected and the proposal put again.

(June 21, November 22 - 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, and it also provides for a fine for those who place a bet on a betting exchange.

(September 27, March 14 - Lapsed due to Prorogation)

### **MEMBERS OF PARLIAMENT (RANDOM DRUG TESTING) BILL**

The purpose of this Bill is to provide that each Member of Parliament must submit to a drug testing procedure in each calendar year. If a Member fails a test, then clause 4(2) of the Bill provides that by regulation a further procedure can be used to verify that final result.

It would be a contravention of this Bill to refuse to submit to a test, similar to refusing to comply with a police officer's request to submit to a breath alcohol analysis or a random roadside drug test. The naming of a Member of Parliament will be a sufficient consequence.

(March 14 - 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 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.

(November 22, February 7 - 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.

(December 6, March 14, 29 - Lapsed due to Prorogation)

### **NATURAL RESOURCES MANAGEMENT (EXTENSION OF TERMS OF OFFICE) AMENDMENT BILL**

The *Natural Resources Management Act 2004* has been in operation since July 2005. The Governor appoints members to both the council and to the boards for a term not exceeding three years. Administratively, a policy has been adopted whereby approximately half the members of each body are appointed for a term of two years and the remainder for a term of the full three years. This negates the possibility that all members could potentially complete their first term on the same date.

Members of the Natural Resources Management Council were appointed for terms ranging from two years to three years from 30 April 2005. Each of the eight regional Natural Resources Management Board members were also appointed for terms ranging from two years to three years from 14 April 2005. This Bill provides that, where the Governor has appointed a person as a member of the Natural Resources Management Council or a regional Natural Resources Management Board for a term that is less than the maximum three years under the

Act, the Governor can extend the term of the appointment up to the maximum three-year term without having to go through the statutory appointment process.

Members of the council and the boards are in their first term, and both the Council and the Boards are still in the process of completing their establishment. In addition, the Boards will be reaching a critical phase in the development of their first comprehensive regional natural resources management plans during mid 2007. The procedures set out in the *Natural Resources Management Act 2004* for the appointment of members of the NRM Council and the regional NRM Boards require significant periods to elapse in relation to the nomination of certain members. The amendment contained in this Bill provides for the membership to be extended only through this critical period without the potential for changed membership, while ensuring the intent of the legislation is upheld. The policy of providing a staggered term of the membership will be implemented during the terms for appointment commencing from 2008.

(December 5, February 6, 8, 22 - Act No. 3 of 2007)

#### **NUCLEAR FACILITY (PROHIBITION) BILL**

The purpose of this Bill to ban nuclear power stations and other nuclear facilities in South Australia. The Bill provides that these facilities will not be built in the State without the express approval of Parliament through legislation.

(March 14 - Lapsed due to Prorogation)

#### **OCCUPATIONAL HEALTH, SAFETY AND WELFARE (AGGRAVATED OFFENCE) AMENDMENT BILL**

This Bill amends section 59 of the Occupational Health Safety and Welfare Act relating to aggravated offences.

The act currently provides, where a person contravenes a provision of part 3 -

- (a) knowing that the contravention was likely to endanger seriously the health or safety of another; and
  - (b) being recklessly indifferent as to whether the health or safety of another was so endangered,
- the person is guilty of an aggravated offence and liable upon conviction to a monetary penalty not exceeding double the monetary penalty that would otherwise apply under part 3 for that offence or imprisonment for a term not exceeding 5 years or both.

The amendments in this Bill provide that, instead of both elements being required, change it to require either element. So, if the employer knew that the contravention was likely to seriously endanger the health or safety of another or if the employer had been recklessly indifferent as to whether the health or safety of another was seriously endangered, then the aggravated offence provision would apply.

(November 1 - Lapsed due to Prorogation)

#### **OCCUPATIONAL HEALTH, SAFETY AND WELFARE (INSPECTIONS BY UNION OFFICIALS) AMENDMENT BILL**

The purpose of this Bill is to provide access for union officials to enter premises for the purpose of the health, safety and welfare of employees. It makes it clear, however, that if a union official exercises a power under this section for an improper purpose related to an industrial claim or a dispute, significant penalties will apply.

(May 31 - Lapsed due to Prorogation)

#### **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.

(December 6, February 7 - Lapsed due to Prorogation)

## **PROTECTIVE SECURITY BILL**

The purpose of this Bill is to bill provide the Commissioner of Police with the authority 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, while recognising the existing authorities provided to sheriff's officers in this State. It 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.

(March 27 - Lapsed due to Prorogation)

## **RESIDENTIAL TENANCIES (APPLICATION OF SECTION 65) AMENDMENT BILL**

The purpose of this Bill is to provide that Section 65 of the Residential Tenancies Act headed "Quiet enjoyment" will also apply to tenants of Housing SA. The section provides -

- “(1) It is a term of a residential tenancy agreement that -
- (a) the tenant is entitled to quiet enjoyment of the premises without interruption by the landlord or a person claiming under the landlord or with superior title to the landlord's title; and
  - (b) the landlord will not cause or permit an interference with the reasonable peace, comfort or privacy of the tenant in the tenant's use of the premises; and
  - (c) the landlord will take reasonable steps to prevent other tenants of the landlord in occupation of adjacent premises from causing or permitting interference with the reasonable peace, comfort or privacy of the tenant in the tenant's use of the premises.
- (2) If the landlord causes or permits interference with the reasonable peace, comfort or privacy of the tenant in the tenant's use of the premises in circumstances that amount to harassment of the tenant, the landlord is guilty of an offence.  
Maximum penalty: \$2 000.”

(March 14 - Lapsed due to Prorogation)

## **RIVER TORRENS LINEAR PARK BILL**

The purpose of this Bill is to enhance and preserve the River Torrens Linear Park. The Bill provides that: -

- the Linear Park is of national significance; and
- the Park is for the public benefit and should generally be available for the use and enjoyment of the public.

The Bill requires that the State Government, State agencies and authorities and local councils should not sell or otherwise dispose of land within the Linear Park out of Government ownership without the approval of both Houses of Parliament.

The Bill also enables the acquisition of land subject to and in accordance with the *Land Acquisition Act 1969* for the purpose of increasing the area of land within the Linear Park.

(May 2, 11, 30, June 6, 21 - Act No. 7 of 2006)

## **ROAD TRAFFIC (NOTICES OF LICENCE DISQUALIFICATION OR SUSPENSION) AMENDMENT BILL**

The purpose of this Bill is to clarify the operation of the immediate loss of licence provisions for excessive speed and drink driving, and ensure that the opportunity to challenge past and future notices is minimised. The Bill addresses the consequences of the Supreme Court's decisions in the cases of *Police v Conway* and *Police v Parker* on 26 June 2006 in which the Supreme Court found that the notices of immediate licence disqualification for driving with a blood alcohol content of .08 or more were invalid because they did not correctly describe the offence for which the drivers were being disqualified.

The Bill also makes other amendments aimed at clarifying and improving the relevant provisions of the *Road Traffic Act 1961*.

(November 1, 23, December 5, 6 - Act No. 39 of 2006)

### **ROAD TRAFFIC (PENALTIES) AMENDMENT BILL**

The purpose of this Bill is to introduce aggravated offence provisions for relevant offences, if a person is charged following a road accident. The Bill provides that if a person is driving in a particular manner which is dangerous and which has a high risk of causing injury or death on the roads, there are clear, mandated guidelines on the issue of penalty and that it is an aggravated offence as a matter of course if there are certain threshold requirements - such as driving with a prescribed concentration of alcohol, being in a police pursuit, drug driving, and speeding excessively.

(May 3 - Lapsed due to Prorogation)

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

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

(November 1, March 29 - Lapsed due to Prorogation)

### **SEWERAGE (GREYWATER) AMENDMENT BILL**

The purpose of this Bill is to allow people to discharge, on a permanent basis, water from their domestic washing machines onto their lawn or garden. Greywater is prescribed as water from a washing machine or water prescribed by regulations.

(November 15, December 6 - Lapsed due to Prorogation)

### **SEWERAGE (WATER MANAGEMENT MEASURES - USE OF WASTE MATERIAL) AMENDMENT BILL**

This Bill sets up a licensing system to allow prescribed entities to establish a pumping station to extract material from the sewer, to recycle the water, and discharge the solid material back into the sewer stream. This is known as sewer mining for commercial and industrial uses.

(November 15, December 6 - Lapsed due to Prorogation)

### **SOUTHERN STATE SUPERANNUATION (INSURANCE, SPOUSE ACCOUNTS AND OTHER MEASURES) AMENDMENT BILL**

The main purpose of this Bill is to deal with the invalidity and death insurance arrangements in the Triple S Scheme, and when enacted will complete a package of insurance enhancements being made by the government to the Triple S Scheme. The legislation will also amend the definition of "salary" in the Act to provide that in all cases superannuation benefits will be based on a member's salary before any component is sacrificed and taken in a non-monetary form.

Further amendments provide for spouses of members to have their own superannuation account in the Triple S Scheme and access to post-retirement investment products. The proposals will enable members to split or share their contributions with their spouse in line with the principles introduced for the superannuation industry by the Commonwealth Government. The legislation will also enable a spouse to take out death insurance cover in the Triple S arrangement.

(November 22, December 5, 6 - Act No. 40 of 2006)

### **STATUTES AMENDMENT (ELECTRICITY INDUSTRY SUPERANNUATION SCHEME) BILL**

This Bill amends the Electricity Corporations Act 1994 and the Electricity Corporations (Restructuring and Disposal) Act 1999 to make technical amendments to the provisions of those Acts dealing with the Electricity Industry Superannuation Scheme. The amendments have been sought by the Electricity Industry Superannuation Board.

The amendments in the Bill address technical difficulties and questions of interpretation that have become apparent where an employee changes or switches employment between employers in the industry, referred to in the Act as a “transfer of employment”.

A related amendment will clarify the meaning of the term “employer” as it is used in subclauses 2(7) and 2(8) of the Electricity Industry Superannuation Scheme Trust Deed so as to make it clear that interstate persons or bodies will not be taken to be employers for the purposes of the deed in certain circumstances.

Section 24 of the Electricity Corporations (Restructuring and Disposal) Act 1999 (the Restructuring and Disposal Act) provides that those employees of an electricity business who are identified as being surplus to the employer’s requirements are entitled to a separation package and, subject to certain conditions, an offer of public sector employment. The Bill amends section 24(9) of the Restructuring and Disposal Act to make it clear that as a condition of an offer of a separation package or public sector employment, a transferred employee is only entitled to an immediate payment of a superannuation benefit if the employee accepts, or is taken to have accepted, a separation package. This amendment will remove any argument that these employees are still entitled to a benefit from the scheme on terminating their employment with the Government.

The Bill also inserts a requirement into the Electricity Industry Superannuation Scheme Trust Deed that the Auditor-General will be responsible for auditing the accounts and financial statements of the Electricity Industry Superannuation Scheme.

(November 22, December 5, 7 - Act No. 35 of 2006)

#### **STATUTES AMENDMENT (NEW RULES OF CIVIL PROCEDURE) BILL**

The Supreme Court Act 1935 provides for any three or more judges of the Supreme Court to make rules that regulate the practice and procedure of the Supreme Court. The District Court Act 1991 contains a similar provision that allows the Chief Judge, and any two or more other judges, to make rules regulating the practice and procedure of the District Court.

Over the years the existing rules of civil procedure for both the Supreme and District Courts have been completely rewritten. The new rules have been drafted by the Joint Rules Advisory Committee in consultation with judges, staff of the court and members of the legal profession. The aim of the new rules is to have rules of court that are in plain English and arranged in a logical order which is easy to follow.

The purpose of this Bill is to amend Acts so that they are consistent with the new rules of civil procedure. The Bill will ensure that the statute book does not refer to discontinued practices or archaic terms. The Bill also makes amendments to clarify uncertain or ambiguous provisions.

(May 31, June 8, 22 - Act No. 17 of 2006)

#### **STATUTES AMENDMENT (PROHIBITION ON MINORS PARTICIPATING IN LOTTERIES) BILL**

The purpose of this Bill is to amend the Lottery and Gaming Act and the State Lotteries Act to increase the age at which a person can play lotteries, as defined in those Acts, to the age of 18 years.

(May 31, September 27, February 21 - Lapsed due to Prorogation)

#### **STATUTES AMENDMENT (RELATIONSHIPS) BILL**

The purpose of this Bill is to extend to same-sex couples the same legal rights and obligations that now apply to unmarried opposite-sex couples. The approach taken in the Bill is to build on the existing law as it applies to opposite-sex couples; that is, where an opposite-sex couple is recognised under the present law, the Bill will recognise a same-sex couple in the same way.

This Bill will also extend similar rights and duties to domestic co-dependent partners, where that is their wish. Domestic co-dependents are adults who live together in a relationship of care or support and who make a legal agreement called a domestic relationships property agreement. Those who do that, will, similarly, accrue legal rights and incur legal duties.

Throughout the Bill, the term “domestic partner” is used to refer collectively to *de facto* couples (whether of opposite sex or the same sex) and domestic co-dependants. The Bill refers to married people separately, even where their legal position is the same as that of other couples. The term ‘spouse’ is reserved for legally-married people and the term “putative spouse” is removed from the statute book.

(September 27, November 1 - Lapsed due to Prorogation)

### **STATUTES AMENDMENT (REVIEW OF TERRORISM LEGISLATION) BILL**

The purpose of this Bill is to establish a sunset clause in each of the Terrorism (Commonwealth Powers) Act 2002, the Amendment of Terrorism (Police Powers) Act 2005 and the Amendment of Terrorism (Preventative Detention) Act 2005. The amendments in the Bill would provide that the Acts be reviewed as soon as practicable after the commencement of the first session of each new Parliament following a general election of members of the House of Assembly. Parliament would then choose to pass these Acts again or decide that the laws were no longer needed.

(December 6, February 21 - Lapsed due to Prorogation)

### **STATUTES AMENDMENT (SURROGACY) BILL**

The purpose of this Bill is to legalise altruistic gestational surrogacy, as well as the recognition on birth certificates of the genetic parents of children born via this process. The Bill amends the Family Relationships Act 1975 to establish recognised surrogacy agreements. In an agreement a woman (the surrogate mother) agrees, first, to become pregnant or to seek to become pregnant; and, secondly, to surrender custody of, or rights in relation to, a child born as a result of the pregnancy to two other persons (otherwise the commissioning parents). The parties to the agreement are -

- (a) the surrogate mother and, if she is a married woman, her husband; and
- (b) the commissioning parents, and no other person.

The Bill will apply to heterosexual couples utilising a close relative as a surrogate mother, where no money changes hands. An application could be made to the Minister for Families and Communities for the surrogate mother to be someone other than a close relative.

(June 21, September 20 - Lapsed due to Prorogation)

### **SUMMARY OFFENCES (TICKET SCALPING) AMENDMENT BILL**

This Bill deals with the issue of ticket scalping. In South Australia the only legal limitation on scalping or reselling a ticket is restricted to any contractual conditions printed on the back of the ticket which form part of the conditions of sale. Terms such as “non-transferable” or “not for resale” are meant to prevent the selling on of tickets, and the issuer of the ticket would have the power to void the ticket if this condition was contravened.

The Bill enables the Minister, by notice in *The Gazette*, to declare an event to be an event to which the new Section in the Act applies. An event is defined as meaning “a sporting event, concert or other entertainment for which tickets for admittance are sold by or on behalf of the event organisers” and the original ticket price would include any booking fees.

The Bill provides for a resale of up to 10 per cent above the original price. This allows for the fact that some people who genuinely cannot go to an event or cannot use their tickets may recover the cost of the ticket and any reasonable costs involved.

The Bill does not apply to all events and allows for exemptions to be made in prescribed circumstances.

(September 20, November 15, 22, February 7, 21 - Negatived in Legislative Council)

### **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.

(September 27, February 21, March 29 - Lapsed due to Prorogation)

#### **TOBACCO PRODUCTS REGULATION (CLEAN AIR ZONES) AMENDMENT BILL**

The purpose of this Bill is to ensure protection from environmental tobacco smoke and to provide further protection from exposure to the negative impact of role model behaviour of smoking in front of children. This Bill will make it an offence for smokers to smoke in areas where children are likely to be unwitting victims of side-stream smoke.

In particular, the Bill will single out the route of Adelaide's annual Christmas Pageant, within three metres of a bus stop, at the Wayville Showgrounds for the duration of the Royal Show and, by regulation, various other localities where children are present as being those areas in which people will not be able to smoke.

(May 31, August 30, September 20, 27 - Negatived in Council)

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

This Bill amends sections 6 to 45 of the *Tobacco Products Regulation Act 1997* to provide expiation fees (and hence the ability to issue expiation notices) for the offences set out in those sections.

Currently only ten offences can be expiated whilst the remaining offences can only be prosecuted through the court system. The process of prosecution is both time consuming and resource intensive and may be considered inappropriate for pursuing anything other than very serious or ongoing offences. In contrast to prosecution, the process of issuing an expiation notice is an efficient and effective way to deal with non-compliance issues in appropriate cases.

The Bill also inserts a new section to enable prescribed persons - that is, police officers, authorised officers or a teacher at a child's school - to confiscate tobacco products found in the possession of a child. An exemption is made for children who possess tobacco products in the course of their employment or are otherwise involved in the lawful sale of the products.

(November 16, March 13, 15, 29 - Act No. 15 of 2007)

#### **TOBACCO PRODUCTS REGULATION (PROHIBITED TOBACCO PRODUCTS) AMENDMENT BILL**

This Bill amends the *Tobacco Products Regulation Act 1997* by inserting a new section 34A.

The new section enables the Minister to declare, by notice in the *Gazette*, a class of tobacco products to be prohibited if the Minister is satisfied that the products, or the smoke of the products, possesses a distinctive fruity, sweet or confectionary-like character, and the nature of the products, or the way they are advertised, might encourage young people to smoke. The new section provides an offence of selling such a product. The maximum penalty for the offence is a fine of \$5,000. Alternatively, an expiation notice with an expiation fee of \$315 may be issued.

(May 31, June 5, 6, 20 - Act No. 16 of 2006)

#### **TOBACCO PRODUCTS REGULATION (RETAIL DISPLAY) AMENDMENT BILL**

The purpose of this Bill is to ban the public display of tobacco products at premises where tobacco products are sold.

(September 27, November 1 - Lapsed due to Prorogation)

### **TOBACCO PRODUCTS REGULATION (SMOKING IN CARS) AMENDMENT BILL**

The purpose of this Bill is to minimise the exposure of children to the harms of passive smoking whilst travelling in a motor vehicle. The Bill inserts new section 48 into the Tobacco Products Regulation Act creating a new offence of smoking in a motor vehicle (which has the same meaning as in the Motor Vehicles Act 1959) if a child is present in the vehicle. A child is defined as being a person who is under 16 years of age. The maximum penalty for contravening the new section is a fine of \$200; however an expiation notice may be issued instead of prosecuting, with an expiation fee of \$75 applying.

(November 16, 20, 21, February 6, 20, March 13 - Act No. 9 of 2007)

### **UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (EXTENSION OF PERIOD OF SCHEME) AMENDMENT BILL**

The Upper South East Dryland Salinity and Flood Management (Extension of Period of Scheme) Amendment Bill 2006 will extend the scheme being implemented under the Upper South East Dryland Salinity and Flood Management Act 2002 for a three-year period, and make consequential amendments as a result.

The Upper South East (USE) Project was developed in the early 1990's to address community concerns about dryland salinity, waterlogging and ecosystem fragmentation and degradation. On 19 December 2002, the USE Project was given specific enabling legislation: the Upper South East Dryland Salinity and Flood Management Act 2002 (USE Act). The USE Act has an expiry date of 19 December 2006. However, it is now apparent that the construction of the drainage network for the USE Project will be incomplete at this time. It is necessary to extend the USE Act for a three year period (and to provide for ongoing rights with respect to compensation) to ensure that all provisions continue for the short term, to enable the completion of the drainage network.

(August 31, September 19, 21, October 31, November 1, 2, 16 - Act No. 29 of 2006)

### **UPPER SOUTH-EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (NATURAL RESOURCES COMMITTEE) AMENDMENT BILL**

The Environment Resources and Development Committee currently has is oversight of the Upper South East Dry Land Salinity and Flood Management Act. The amendments contained in this Bill will mean that the Natural Resource Committee will assume these responsibilities.

(May 3, 10, 31, September 27 - Bill withdrawn in Legislative Council)

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

This Bill amends the Victims of Crime Act it three ways. Firstly, it strengthens the existing provisions in the Act on 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 prosecution 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 in 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.

(June 21, March 29 - Lapsed due to Prorogation)

## **WATER EFFICIENCY LABELLING AND STANDARDS BILL**

The purpose of this Bill is to ensure that purchasers of particular types of water-use and water-saving products are provided with information to assist and encourage them to select more water-efficient products. It is also intended to encourage suppliers of these products to adopt more water-efficient technology. It is envisaged that the purchase of more water-efficient products will result in reduced water consumption, thus contributing to the conservation of water supplies.

At the Council of Australian Governments' meeting on 25 June 2004, the Commonwealth Government and State and Territory Governments signed the *Intergovernmental Agreement on a National Water Initiative*. Under the National Water Initiative agreement, States and Territories agreed to an urban water reform program, aimed at:

- (1) providing a healthy, safe and reliable water supplies;
- (2) increasing water use efficiency in domestic and commercial settings
- (3) encouraging the re-use and recycling of wastewater where cost effective;
- (4) facilitating water trading between and within the urban and rural sectors;
- (5) encouraging innovation in water supply sourcing, treatment, storage and discharge; and
- (6) achieving improved pricing for metropolitan water.

The State legislation is based on model legislation developed by the Victorian Government. The use of the Victorian Act as a model for corresponding Bills in all other States and Territories is to ensure national consistency that is desirable from the point of view of both industry and administrators of the legislation.

(June 1, 8, 20, 21 - Act No. 8 of 2006)

## **WATERWORKS (WATER MANAGEMENT MEASURES - USE OF RAINWATER) AMENDMENT BILL**

The purpose of this Bill is to allow rainwater tanks to be connected directly into the SA Water mains. At present SA Water do not allow this because of the risk that mains water could be contaminated by the potential of backflow from a rainwater tank on a property back into the mains. This bill requires that if people wish to connect a rainwater tank to the existing pipe network within the house, that there must be a backflow valve or check valve installed immediately after the SA Water meter, to which the rainwater tank would be connected.

(November 15, December 6 - Lapsed due to Prorogation)

## **WORKCOVER CORPORATION (AUDITOR-GENERAL) AMENDMENT BILL**

Under the present legislation, the WorkCover Corporation Act allows for the auditing of the books by private auditors. It excludes, the Auditor-General looking at the books of the Corporation. The Auditor-General has warned in his report that he does not have those powers. The Auditor-General can only look at the books of the Corporation in a circumspect way, given the strictures placed on him by virtue of the legislation. The purpose of this Bill is to provide that the Auditor-General may, at any time, and at least once in each year, audit the accounts of the WorkCover

(November 15, 22, February 21 - Lapsed due to Prorogation)