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

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

   Message No. 24.

   The Governor informs the Legislative Council that, in the name and on behalf of Her Majesty The Queen, the following Act was assented to during the First Session of the 52nd Parliament, viz.:

3. The Minister for Agriculture, Food and Fisheries (The Hon. G. E. Gago), by leave, without notice, moved - That the sitting of the Council be not suspended during the continuation of the Conference on the Summary Offences (Prescribed Motor Vehicles) Amendment Bill. Question put and passed.

4. The following petition was lodged for presentation:
   By the Hon. D.G.E. Hood from 6,648 residents of South Australia, concerning Marine Parks. The Petitioners pray that this Honourable House will urge the Government to repeal the Marine Parks Act 2007.

5. The following Papers were laid upon the Table, viz.:
   By the President -
   Reports, 2010-2011 -
   City of Prospect.
   City of Victor Harbor.
   District Councils -
   Kimba.
   Naracoorte Lucindale.
   Robe.
   Wattle Range.
   By the Minister for Agriculture, Food and Fisheries (The Hon. G. E. Gago) -
   Reports, 2010-2011 -
   Department of Trade and Economic Development.
Electoral Commission of South Australia.
Energy Consumers’ Council.
West Beach Trust.
Regulations under the following Act -
   Environment, Resources and Development Court Act 1993 - Schedule 1 - Fees Variation.
By the Minister for Tourism (The Hon. G. E. Gago) -
   Reports, 2010-2011 -
      Adelaide Convention Centre.
      Adelaide Entertainment Centre.
      Adelaide Entertainment Corporation Charter.
By the Minister for Industrial Relations (The Hon. R. P. Wortley) -
   Reports, 2010-2011 -
      Millicent and Districts Health Advisory Council Inc.
      Mount Gambier and Districts Health Advisory Council Inc.
      Port Broughton Health Advisory Council Inc.
      SA Metropolitan Fire Service Superannuation Board.
By the Minister for Communities and Social Inclusion (The Hon. I. K. Hunter) -
   Reports, 2010-2011 -
      Correctional Services Advisory Council.
      Department of Education and Children’s Services.
      South Australian-Victorian Border - Groundwaters Agreement Review Committee.
Regulations under the following Act -
   Road Traffic Act 1961 - Miscellaneous - Declaration of Hospitals.


8. The Minister for Agriculture, Food and Fisheries, by leave, tabled a copy of a Ministerial Statement made by the Minister for Manufacturing, Innovation and Trade (The Hon. A. Koutsantonis, M.P.) concerning ODX Indenture Acknowledgements.

9. The Minister for Communities and Social Inclusion, by leave, tabled a copy of a Ministerial Statement made by the Minister for Education and Child Development (The Hon. G. Portolesi, M.P.) concerning an Allegation of Police and Special Investigation Unit Investigation.

10. The Minister for Agriculture, Food and Fisheries, without notice, moved - That the Standing Orders be so far suspended as to enable Question Time to be extended to enable the Hon. R. I. Lucas to ask a question of her and for her to complete her reply.
    Question put and passed, without a dissentient voice, there being present an absolute majority of the whole number of Members of the Council.


12. The Council, according to order, resolved itself into a Committee of the Whole for the further consideration of the Correctional Services (Miscellaneous) Amendment Bill.

   In the Committee

   Clause No. 59, which the Hon. S. G. Wade had moved to amend on page 31, after line 19, by inserting the following:
“(1a) However, a Chief Executive is not required to disclose any such personal information unless the Chief Executive believes on the balance of probabilities that the information is correct.”

- further considered.
Amendment, by leave, withdrawn.
Clause No. 59 agreed to.
Clauses No. 60 to No. 64 agreed to.
Schedule agreed to.
Title agreed to.

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The President resumed the Chair, and reported that the Committee had considered the Bill and had agreed to the same with amendments.
The Minister for Agriculture, Food and Fisheries moved that the Bill be recommitted in respect of clause No. 21.
Debate ensued.
Motion, by leave, withdrawn.
Report adopted.
The Minister for Agriculture, Food and Fisheries, pursuant to contingent notice, moved - That the Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay.
Question put and passed.
Bill read a third time.
Resolved - That this Bill do now pass.

13. The Minister for Communities and Social Inclusion, according to order, moved - That this Council, pursuant to section 16(1) of the Aboriginal Lands Trust Act 1966, recommends that sections 993 and 995 to 998 (inclusive), Out of Hundreds (Nullarbor), be transferred to the Aboriginal Lands Trust.
Question put and passed.


15. On the Order of the Day being read for the Council to resolve itself into a Committee of the Whole for the further consideration of the Road Traffic (Red Light Offences) Amendment Bill:
The Hon. R. L. Brokenshire, pursuant to contingent notice, moved - That it be an Instruction to the Committee of the Whole that it have power to consider a new clause in relation to a Community Road Safety Fund.
Question put and passed.
The President then left the Chair and the Council resolved itself into a Committee of the Whole for the further consideration of the Bill.

In the Committee

Clause No. 2 further considered.
The Hon. R. L. Brokenshire moved on page 2, lines 4 and 5, to leave out the clause and insert the following:

“2—Commencement
(1) Subject to subsection (2), this Act will come into operation on a day to be fixed by proclamation.
(2) Sections 4(5) and 5 will come into operation on 1 July 2012.”

Question - That clause No. 2 stand as printed - put and passed.
Clause No. 2 agreed to.
Clause No. 3 agreed to.
Clause No. 4 read.
The Hon. R. L. Brokenshire moved on page 2, after line 24, to insert the following:

“(5) Section 79B—after subsection (9) insert:

(9a) A photographic detection device may not be operated for the purpose of obtaining evidence of the commission of a red light offence except at locations—
(a) approved by the Minister from time to time; and
(b) at which there is, in accordance with the regulations, a traffic control device advising approaching drivers of the existence of the photographic detection device.

(9b) The Minister—
(a) may only approve a location for the purposes of subsection (9a) if the injuries or fatalities arising from accidents involving vehicles (including trains) at that location prior to the installation of the photographic detection device are in the opinion of the Minister such as to require the installation of the device in order to discourage the commission of red light offences at that location; and
(b) must, at least once in every 5 years, conduct a review of all existing approved locations, to determine if each approval is, in the Minister's opinion, still required for the purpose referred to in paragraph (a); and
(c) must, within 6 sitting days after the commencement of this section and thereafter within 6 sitting days after the completion of each subsequent 5 year period, cause a report to be laid before each House of Parliament—
(i) specifying which locations (at which red light offences may be committed) have been the site of injuries or fatalities arising from accidents involving vehicles (including trains) during the preceding 5 years, and the number of such accidents at those locations; and
(ii) setting out the locations currently approved for the purposes of subsection (9a) and the reasons for the approval of those locations.”.

The Hon. D. W. Ridgway moved on page 2, after line 24, to insert the following:
“(5) Section 79B—after subsection (9) insert:

(9a) A photographic detection device may not be operated for the purpose of obtaining evidence of the commission of a red light offence except at locations approved by the Minister from time to time.

(9b) The Minister may only approve a location for the purposes of subsection (9a) if in the opinion of the Minister the installation of a photographic detection device at that location for the purpose of obtaining evidence of the commission of red light offences will increase the safety of drivers and pedestrians at that location.”.

Question - That the amendment moved by the Hon. R. L. Brokenshire be agreed to - put and negatived.
Question - That the amendment moved by the Hon. D. W. Ridgway be agreed to - put.

Committee divided:
Ayes, 9
The Hon. R. L. Brokenshire
The Hon. J. A. Darley
The Hon. D.G.E. Hood
The Hon. J. S. Lee
The Hon. J.M.A. Lensink
The Hon. R. I. Lucas
The Hon. T. J. Stephens
The Hon. S. G. Wade
The Hon. D. W. Ridgway (Teller)

Noes, 9
The Hon. T. A. Franks
The Hon. G. E. Gago
The Hon. G. A. Kandelaars
The Hon. M. C. Parnell
The Hon. K. L. Vincent
The Hon. R. P. Wortley
The Hon. C. Zollo
The Hon. I. K. Hunter (Teller)
There being an equality of votes, the Chairperson gave his casting vote to the Noes. Amendment thus negatived.

Clause No. 4 agreed to.

The Hon. R. L. Brokenshire moved on page 2, to insert new clause No. 5 as follows:

“5—Insertion of sections 79D and 79E

After section 79C insert:

79D—Community Road Safety Fund

(1) A Community Road Safety Fund is established.

(2) The Fund must be kept as directed by the Treasurer.

(3) The Fund consists of—

(a) all penalties or expiation fees recovered in respect of camera offences or alleged camera offences; and

(b) any money provided by Parliament for the purposes of the Fund; and

(c) any income arising from investment of the Fund under subsection (4); and

(d) all other money that is required or authorised by or under this Act or another law to be paid into the Fund.

(4) The Fund may be invested as approved by the Treasurer.

(5) The Minister may apply the Fund—

(a) for such purposes directly related to road safety as may be determined by the Minister, including in payment to—

(i) the South Australian Police Department or any other administrative unit of the Public Service; or

(ii) any other person or organisation (whether or not an agency or instrumentality of the Crown), for those purposes; or

(b) in making any other payment required by this Act or another law to be made from the Fund; or

(c) in payment of the expenses of administering the Fund.

(6) In this section—

camera offence means—

(a) an offence against section 79B(2) where at least 1 prescribed offence in which the vehicle appears to have been involved is a red light offence; or

(b) a red light offence where the allegation of the offence is based on photographic evidence obtained through the operation of a photographic detection device;

prescribed offence and red light offence have the same meaning as in section 79B.

79E—Report on Community Road Safety Fund

(1) The administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act must, on or before 30 September in each year, present a report to the Minister on the operation of the Community Road Safety Fund during the previous financial year.

(2) The report must include details of the following:

(a) the money paid into the Fund from each source specified in section 79D(3);

(b) the manner in which any money expended from the Fund was applied by the Minister;

(c) any matter required by this Act or another law to be included in the report.

(3) A report under this section may be incorporated into the annual report of the relevant administrative unit.

(4) The Minister must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after the report is received by the Minister.”.
The Hon. D. W. Ridgway moved on page 2, to insert new clause No. 5 as follows:

“5—Insertion of section 79D

After section 79C insert:

79D—Report on Community Road Safety Fund

(1) The administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act must, on or before 30 September in each year, present a report to the Minister on the operation of the Community Road Safety Fund during the previous financial year.

(2) The report must include details of the following:

(a) each source of any monies paid into the Fund and the amount paid into the Fund from each source;
(b) the manner in which any money expended from the Fund was applied;
(c) any matter required by this Act or another law to be included in the report.

(3) A report under this section may be incorporated into the annual report of the relevant administrative unit.

(4) The Minister must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after the report is received by the Minister.”.

Question - That new clause 5, as proposed to be inserted by the Hon. R. L. Brokenshire, be so inserted - put and negatived.

Question - That new clause 5, as proposed to be inserted by the Hon. D. W. Ridgway, be so inserted - put and passed.

New clause No. 5 inserted.

Title agreed to.

The President resumed the Chair, and reported that the Committee had considered the Bill and had agreed to the same with an amendment; whereupon the Council adopted such report.

The Minister for Agriculture, Food and Fisheries, pursuant to contingent notice, moved -

That the Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay.

Question put and passed.

Bill read a third time.

Resolved - That this Bill do now pass.

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

Message No. 139

MR. PRESIDENT - The House of Assembly has agreed to the Bill returned herewith entitled and Act to amend the Workers Rehabilitation and Compensation Act 1986; and to make consequential amendments to the Occupational Health, Safety and Welfare Act 1986, the Stamp Duties Act 1923 and the WorkCover Corporation Act 1994, without any amendment.

House of Assembly, 1 December 2011.

L. R. BREUER, Speaker.

Message No. 140

MR. PRESIDENT - The House of Assembly has passed the Bill transmitted herewith entitled an Act to adopt the National Vocational Education and Training Regulator Act 2011 of the Commonwealth, and to refer certain matters relating to the regulation of vocational education and training to the Parliament of the Commonwealth, for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth, to which it desires the concurrence of the Legislative Council.

House of Assembly, 1 December 2011.

L. R. BREUER, Speaker.

Bill read a first time.

The Minister for Industrial Relations then moved - That the Bill be now read a second time.

On motion of the Hon. D. W. Ridgway, the debate was adjourned until next day of sitting.
17. Ordered - That all remaining Orders of the Day (Government Business) be Orders of the Day for next day of sitting.

Next Day of Sitting.

18. The Minister for Agriculture, Food and Fisheries moved - That the Council, at its rising, do adjourn until Tuesday, 14 February 2012.
   Debate ensued.
   Question put and passed.

Adjournment.

19. Council adjourned at two minutes past five o’clock until Tuesday, 14 February 2012, at fifteen minutes past two o’clock.

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The Hon. R. L. Brokenshire
The Hon. J. A. Darley
The Hon. J.S.L. Dawkins
The Hon. B. V. Finnigan
The Hon. T. A. Franks
The Hon. G. E. Gago
The Hon. D.G.E. Hood

The Hon. I. K. Hunter
The Hon. G. A. Kandelaars
The Hon. J. S. Lee
The Hon. J.M.A. Lensink
The Hon. R. I. Lucas
The Hon. M. C. Parnell
The Hon. D. W. Ridgway

The Hon. T. J. Stephens
The Hon. K. L. Vincent
The Hon. S. G. Wade
The Hon. R. P. Wortley
The Hon. C. Zollo
NOTICES AND ORDERS OF THE DAY

TUESDAY 14 FEBRUARY 2012

Orders of the Day: Government Business -


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

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


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


Orders of the Day: Private Business -

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

*Received from House of Assembly.
2. Select Committee on Disability Services Funding: Report to be brought up.
3. Select Committee on Lonsdale-based Adelaide Desalination Plant: Report to be brought up.
4. Select Committee on Department for Correctional Services: Report to be brought up.
5. Select Committee on Harvesting Rights in Forestry SA Plantation Estates: Report to be brought up.
6. Select Committee on Marine Parks in South Australia: Report to be brought up.
7. Select Committee on The Inquiry into Corporation of the City of Burnside: Report to be brought up.
8. Select Committee on Access to and Interaction with the South Australian Justice System for People with Disabilities: Report to be brought up.
9. Select Committee on School Bus Contracts: Report to be brought up.
10. Select Committee on Land Uses on LeFevre Peninsula: Report to be brought up.

WEDNESDAY 15 FEBRUARY 2012

Orders of the Day: Private Business -

4. Adjourned debate on motion of the Hon. R. L. Brokenshire - That this Council observes and records the true achievements of the former Premier, the Hon. Michael Rann, MP, and the true extent of his legacy for the State of South Australia - (November 30) - (The Hon. R. L. Brokenshire).
5. Adjourned debate on motion of the Hon. D. W. Ridgway - That this Council notes credible allegations of serious malfeasance in the South Australian Branch of the Federated Gas Employees Industrial Union during the time when a Member of this Chamber was in the employ of that Union - (November 30) - (The Hon. D. W. Ridgway).
8. The Hon. G. A. Kandelaars to move - That By-law No. 3 of the District Council of Mallala concerning Roads, made on 8 September 2011 and laid on the Table of this Council on 13 September 2011, be disallowed.


11. Adjourned debate on motion of the Hon. D. W. Ridgway - That this Council notes the future of financial advice proposed by Federal Minister Bill Shorten - (November 9, 23) - (The Hon. T. J. Stephens).


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

16. Adjourned debate on motion of the Hon. T. A. Franks - That this Council -
   I. Supports Same Sex Marriage Equality; and
   II. Calls on the Parliament of the Commonwealth of Australia to amend the Commonwealth Marriage Act 1961 to provide for same sex marriage equality.
To which the Hon. S. G. Wade moved to amend in paragraph I by leaving out “Same Sex Marriage Equality” and inserting “same sex equality in relationship recognition and registration”, and in paragraph II by leaving out “same sex marriage equality” and inserting “same sex equality in relationship recognition and registration”.

9. Question - That the words proposed to be struck out, stand - (October 19, November 9) - (The Hon. C. Zollo).


18. Adjourned debate on motion of the Hon. J.S.L. Dawkins - That this Council condemns the State Labor Government for cutting funding to the Family and Community Development Program by $3 million in the 2010-2011 State Budget, and notes -
   I. The program budget will be reduced by 23 per cent annually from 1 July 2013;
   II. The cuts will contradict State Government policies including the South Australian Strategic Plan and Department for Families and Communities Strategic Plan;
   III. The Minister for Families and Communities has refused to meet with Community Centres SA representatives to discuss the decision to cut funding; and
   IV. The new Premier supported this cut in Cabinet - (October 19) - (The Hon. G. A. Kandelaars).

19. Adjourned debate on motion of the Hon. R. L. Brokenshire - That the Social Development Committee inquire into the adequacy of funding for the Australian Broadcasting Corporation to meet its charter obligations within South Australia, including but not limited to provision of -
   I. Local regional content;
   II. Local news and current affairs content, including “7.30 SA”;

III. Local sporting content;
IV. Local arts content; and
V. Television and radio production of programs such as “Behind the News” - (October 19) - (The Hon. I. K. Hunter).

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


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

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


25. Constitution (Miscellaneous) Amendment Bill (No. 125): adjourned debate on second reading - (September 14) - (The Hon. C. Zollo)\(^2\).

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

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


30. Adjourned debate on motion of the Hon. S. G. Wade -
   I. That this Council notes community concern that appropriate action be taken in relation to actions of the former Burnside Council, councillors, staff and non-elected persons.
II. The Legislative Council therefore refers the following matters to the Ombudsman, pursuant to section 14 of the Ombudsman’s Act 1972, for investigation and report as to whether the Burnside City Council has contravened, or failed to comply with, any provisions of the Local Government Act 1999, any other Act or good standards of public administration -
(a) whether the Council’s adoption and implementation of policies, practices and procedures between the 2006 election and the 2010 election reflected good administrative practice in the areas of -
   i. the alleged improper use of confidential Council information by elected members and by staff of the Council;
   ii. the obligations of elected members to act honestly, and with reasonable care and diligence, in the performance and discharge of their official functions and duties;
   iii. dealing with conflict between elected members and between elected members and staff;
   iv. ensuring a working environment that is free from harassment and bullying;
   v. managing the relationship between the Council and individual rate-payers; and
   vi. any other matter;
(b) the circumstances of the Chief Executive’s resignation and reinstatement in June 2009;
(c) whether the Council’s meeting practices between the 2006 and 2010 election fulfilled the Council’s obligation to act as a representative, informed and responsible decision-maker in the interests of the community;
(d) whether improper weight has been placed by elected members or by staff of the Council in making any decisions of Council on the views and/or influence of a person who is neither an elected member or a member of staff since the 2006 election;
(e) whether a ‘public officer’, as defined in the Whistleblowers Protection Act 1993, who engaged with or was engaged by the investigation into the Burnside Council by Mr. MacPherson, acted appropriately and in accord with relevant professional codes; and
(f) any other relevant matter.
III. That in terms of section 14(3) of the Ombudsman’s Act, this Council resolves that the administrative acts covered by this resolution warrant investigation by the Ombudsman despite the passage of time.
IV. Notwithstanding that these terms of reference relate to matters since the 2006 election the Ombudsman is able to collect evidence that is relevant to these terms of reference that may have occurred prior to the 2006 election - (July 29) - (The Hon. P. Holloway).
31. Adjourned debate on motion of the Hon. T. A. Franks - That this Council calls on the Government to -
   I. Condemn the appalling cruelty that was demonstrated in the Indonesian abattoirs and shown on the recent and previous ABC Four Corners programs on live animal exports;
   II. Act in a timely and appropriate manner to endorse the Australian Government’s suspension of the live export cattle trade to Indonesia;
   III. Act to ensure South Australia acts independently to cease all live exports from Port Adelaide of sheep and any other animal for slaughter to Indonesia and other markets, particularly the Middle East; and
   IV. Provide this Council with details of -
      (a) what steps are being taken to assist local meat processing facilities to deal with an expansion in local slaughter to replace previously live exported animals with chilled and frozen products;
      (b) what steps are being undertaken to encourage value-adding of locally processed products; and
      (c) what the Government is doing to assist farmers to restructure their operations to replace live exports - (June 22) - (The Hon. R. P. Wortley).
32. Children’s Protection (Privacy Issues) Amendment Bill (No. 109): adjourned debate on second reading - (June 22) - (The Hon. I. K. Hunter)\footnote{\textsuperscript{9}}.
33. Graffiti Control (Miscellaneous) Amendment Bill (No. 110): adjourned debate on second reading - (June 22) - (The Hon. I. K. Hunter)⁹.


35. Adjourned debate on motion of the Hon. M. C. Parnell - That this Council notes -
   I. The escalating use of Private Finance Initiatives, including private-public partnerships, to fund major new public capital investment, including school upgrades, the Port Stanvac desalination plant and the new Royal Adelaide Hospital;
   II. The privatisation of public assets in the State’s South East through the forward sale of timber harvesting; and
   III. That this privatisation by stealth is in clear breach of the “no privatisation” rhetoric of the Premier and other Members of his Government;
   and calls on the Government to initiate an independent review to compare the financial performance of Private Finance Initiatives with alternative public infrastructure financing methods - (May 18) - (The Hon. I. K. Hunter).

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

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

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


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

41. Adjourned debate on motion of the Hon. T. A. Franks - That this Council -
   I. Notes the Labor Government’s December 2010 announcement of intent to transfer eating disorder beds from the Weight Disorder Unit, otherwise known as Ward 4G at Flinders Medical Centre, to other general medical and psychiatric facilities being the Margaret Tobin Centre and the Boylan Ward at the Women’s and Children’s Hospital;
   II. Notes the grave concerns expressed by eating disorders’ consumers, carers and advocacy groups that this move will significantly lower the quality and accessibility of care options for those suffering and recovering from eating disorders in South Australia;
III. Welcomes the Minister for Health’s assurance that this move will now not proceed until after the latest review of Ward 4G is completed; and

IV. Urges the Minister to work towards an outcome that utilises this opportunity to ensure that future care for those suffering from eating disorders adopts a State-wide approach for a continuum of care that is world class, holistic and accessible to both adult and adolescent sufferers -

To which the Hon. A. M. Bressington moved to amend by leaving out paragraphs III and IV and inserting new paragraphs as follow:

“III. Welcomes the Minister for Health’s 2011 reassessment of the original decision on the proposed move of Ward 4G to the Margaret Tobin Centre and the Boylan Ward at the Women’s and Children’s Hospital;

IV. Welcomes the Minister’s review of eating disorders services, the plan for statewide services proposed by it and the allocation of additional funding;

V. Notes the concern of consumers and clinicians at the proposed model’s transition from acute care to community care, in particular, the lack of a dedicated tertiary hospital bed-based unit to support recovery to a medically stable condition;

VI. Urges the Minister to retain a dedicated hospital inpatient unit without placing sufferers of eating disorders on a general medical ward for the duration of their hospital treatment and to ensure that consumers receive comparable care within the community residential treatment facility, with sufficient safeguards to monitor deterioration in their condition; and

VII. Calls on the Government to develop an implementation plan which -

(a) rolls out the range of proposed community services;

(b) further reviews the structure and function of the current tertiary hospital bed-based unit as clear data relating to the impact of the new services becomes available; and

(c) engages state and national expert review panels to oversee implementation of the proposed statewide plan outlined in the report in both the immediate and longer terms.”.

Question - That paragraphs III and IV stand part of the motion - (February 9, July 29) - (The Hon. I. K. Hunter).
VI. The staffing levels in the Office and the efficiency and effectiveness of resource use by the Office;
VII. The number of complaints processed by the Office in comparison to -
   (a) the Ombudsman's Office prior to the formation of the Office; and;
   (b) comparable offices interstate;
VIII. The extent to which the State Government has contributed by acts or omissions to any shortcomings identified in the foregoing including by virtue of failures to meet its obligations under sections 19(2) and 67 of the said Act;
IX. Whether persons appointed to the Health and Community Services Advisory Council properly represent the intent of the said Act;
X. Whether the term of office for the Commissioner is appropriate in the circumstances;
XI. Whether any amendments to the Act are necessary to improve the effectiveness of the Office; and
XII. Any other relevant matter - (November 24) - (The Hon. R. L. Brokenshire).

50. The Hon. R. L. Brokenshire to move -
   I. That a Select Committee of the Legislative Council be appointed to inquire into and report upon -
      (a) The history of the Parks Community Centre, its reception and service delivery in the community; and
      (b) The current State Government plans concerning the said Centre; and
      (c) Alternative policy initiatives that may be taken in relation to the said Centre; and
      (d) Any other relevant matter.
   II. That Standing Order No. 389 be so far suspended as to enable the Chairperson of the Committee to have a deliberative vote only.
   III. That this Council permits the Select Committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the Committee prior to such evidence being presented to the Council.
   IV. That Standing Order No. 396 be suspended to enable strangers to be admitted when the Select Committee is examining witnesses unless the Committee otherwise resolves, but they shall be excluded when the Committee is deliberating.

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

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

53. Development (Crown Development) Amendment Bill (No. 56): adjourned debate on second reading - (October 27) - (The Hon. J. M. Gazzola)

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

55. Occupational Health, Safety and Welfare (Industrial Manslaughter) Amendment Bill (No. 55): adjourned debate on second reading - (October 27) - (The Hon. J. M. Gazzola)


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

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

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

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


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

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

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

66. Criminal Law (Sentencing) (Mandatory Imprisonment of Child Sex Offenders) Amendment Bill (No. 23): adjourned debate on second reading - (June 30) - (The Hon. J. M. Gazzola)⁴.

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

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

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


71. Independent Commission Against Corruption Bill (No. 4): in Committee

72. Independent Commission Against Corruption Bill (No. 5): adjourned debate on second reading - (May 12) - (The Hon. T. J. Stephens).
73. Subordinate Legislation ( Miscellaneous) Amendment Bill (No. 6): adjourned debate on second reading - (May 12, April 6) - (The Hon. P. Holloway)².

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

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

76. Electoral (Voting) Amendment Bill (No. 14): adjourned debate on second reading - (May 26, June 22) - (The Hon. J. M. Gazzola)⁹.


Contingent Notice of Motion -

1. Contingently, on the second reading of any Bill being moved, or on any Bill being reported, the Minister for Regional Development to move - That the Standing Orders be so far suspended as to enable the Bill to pass through the remaining stages without delay.

J. M. DAVIS,
Clerk of the Legislative Council.

*Received from House of Assembly.

Member in charge of Bill -
¹Hon. S. G. Wade
²Hon. R. L. Brokenshire
³Hon. J.S.L. Dawkins
⁴Hon. A. M. Bressington
⁵Hon. J.M.A. Lemsink
⁶Hon. T. A. Franks
⁷Hon. M. C. Parnell
⁸Hon. K. L. Vincent
⁹Hon. D.G.E. Hood
¹⁰Hon. D. W. Ridgway
¹¹Hon. J. A. Darley
¹²Hon. I. K. Hunter
HIS Excellency the Governor directs it to be notified for general information that he has in the name and on behalf of Her Majesty The Queen, this day assented to the undermentioned Acts passed by the Legislative Council and House of Assembly in Parliament assembled, viz.:

No. 46 of 2011 - Education and Early Childhood Services (Registration and Standards) Act 2011. An Act to provide for a national legislative scheme regulating the provision of education and care services; to make provision for local matters associated with the provision of education and care services; to ensure the provision of quality education services to children in the State by providing for the registration of providers of such services; to regulate the provision of education services and early childhood services for the purpose of maintaining high standards of competence and conduct by providers; to make related amendments to other Acts; and for other purposes.


By command,

JOHN ROBERT RAU, for Premier

EXTRACT FROM GOVERNMENT GAZETTE, 15 DECEMBER 2011.

South Australia
CONSTITUTION (SECOND SESSION OF 52nd PARLIAMENT) PROCLAMATION 2011
under section 6 of the Constitution Act 1934

1 Short title
This proclamation may be cited as the Constitution (Second Session of the 52nd Parliament) Proclamation 2011.

2 Commencement
This proclamation comes into operation on the day on which it is made.

3 Prorogation of Parliament
I prorogue the Parliament of South Australia.

4 Second session of the 52nd Parliament
(1) I fix 12.45pm on 14 February 2012 as the time for holding the second session of the 52nd Parliament.
(2) I declare that the place for holding the Parliament will be the building known as Parliament House at North Terrace, Adelaide.
(3) I summon the Parliament to meet for the dispatch of business at the time and place stated above and require all honourable members of the Legislative Council and the House of Assembly, and all officers of the Parliament, to attend accordingly.

Made by the Governor
with the advice and consent of the Executive Council
on 15 December 2011.