MINUTES OF THE PROCEEDINGS
OF THE

LEGISLATIVE COUNCIL

FIRST SESSION OF THE FIFTY-SECOND PARLIAMENT

THURSDAY 6 MAY 2010

1. Council met pursuant to Proclamation published in the Government Gazette of 16 April 2010. At eleven o’clock in the forenoon, the Clerk read the Proclamation, as under:

Proclamation By The Governor

South Australia

Constitution (First Session of Fifty-Second Parliament)
Proclamation 2010
under section 6 of the Constitution Act 1934

1. Short Title
   This proclamation may be cited as the Constitution (First Session of the Fifty-Second Parliament) Proclamation 2010.

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

3. First session of the Fifty-Second Parliament
   (1) I fix 11 am on Thursday 6 May 2010 as the time for holding the first session of the Fifty-Second Parliament.
   (2) I declare the place for holding the Parliament will be the building known as Parliament House at North Terrace in the City of 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 16 April 2010.
2. The Commissioners appointed by the Governor to open the present Session of Parliament (the Hon. John Jeremy Doyle, Chief Justice and the Hon. Thomas Andrew Gray, a Judge of the Supreme Court of South Australia) were announced by Black Rod and conducted to the chairs on the dais.

The Senior Commissioner produced and handed to the Clerk, Commissions from His Excellency the Governor to do all things necessary in relation to the opening of the Parliament.

The Senior Commissioner then desired Black Rod to request the attendance of the Members of the House of Assembly to hear the Commissions to open the present Session of Parliament read:

Who, being come:

The Senior Commissioner desired the Clerk to read the Commissions, which were read as follow:

SOUTH AUSTRALIA

to wit (His Excellency the Governor of the State of South Australia)
(L.S.) KEVIN JOHN SCARCE

To The Honourable JOHN JEREMY DOYLE, Chief Justice of the State of South Australia,
and to
The Honourable THOMAS ANDREW GRAY, a Judge of the Supreme Court of South Australia.

Greetings:

I, the Governor, with the advice and consent of the Executive Council, appoint you to be Commissioners to do all things necessary to be performed by me, in the name and on the part of Her Majesty the Queen, or in my name or on my part as Governor, in relation to the opening and holding of the first session of the Fifty-Second Parliament of South Australia.

Given under my hand and the public seal of South Australia, at Adelaide, this 16th day of April, 2010.

By command,

MIKE RANN, Premier.

The Senior Commissioner then said -
Honourable Members of the Legislative Council and Members of the House of Assembly:

We have it in command from His Excellency the Governor to let you know that he will in person, in this place, declare the reasons for his calling the Parliament together so soon as the Members of the Legislative Council and the Members of the House of Assembly have been sworn and the House of Assembly has notified him that it has elected its Speaker.

The Members of the House of Assembly withdrew.

The Senior Commissioner appointed to swear Members of the House of Assembly (the Hon. John Jeremy Doyle, Chief Justice) retired.

3. The Commissioner then produced a Commission from His Excellency the Governor appointing the Hon. Thomas Andrew Gray to be a Commissioner for administering to any Member of the Legislative Council the Oath of Allegiance to Her Majesty Queen Elizabeth the Second, or for receiving an Affirmation in lieu thereof.

Commission read by the Clerk as follows:

SOUTH AUSTRALIA

to wit (His Excellency the Governor of the State of South Australia)
(L.S.) KEVIN JOHN SCARCE

To The Honourable THOMAS ANDREW GRAY, Judge of the Supreme Court of South Australia.

Greeting:

Pursuant to the Constitution Act, 1934, I, the Governor, with the advice and consent of the Executive Council, do hereby authorise you to administer to members of Parliament of the State who are members of the Legislative Council the oath hereunder set out, or to receive from all or any of such members an affirmation in lieu of that oath.

I, do swear that I will be faithful and bear true allegiance to Her Majesty, QUEEN ELIZABETH the SECOND, Her Heirs and Successors according to law. So help me God!

Given under my hand and the public seal of South Australia, at Adelaide, this 16th day of April, 2010.

By command,

MIKE RANN, Premier.
4. The Clerk produced a Writ for the election of eleven Members to serve in the Legislative Council, with the Returns duly endorsed thereon, by which it appeared that the following persons had been elected to fill the vacancies in the Legislative Council pursuant to the provisions of the Constitution Act 1934, that is to say - David Wickham Ridgway, Paul Holloway, Stephen Graham Wade, Gail Elizabeth Gago, Terence John Stephens, Bernard Vincent Finnigan, Jing Shyuan Lee, John Mario Gazzola, Tammy Anne Jennings, Robert Lawrence Brokenshire and Kelly Leah Vincent.

The Oath of Allegiance was then administered to, and subscribed by, the Hons. T. J. Stephens, B. V. Finnigan and R. L. Brokenshire, with the Hons. D. W. Ridgway, P. Holloway, S. G. Wade, G. E. Gago, J. S. Lee, J. M. Gazzola, T. A. Jennings and K. L. Vincent who made and subscribed an Affirmation of Allegiance in lieu of the said Oath, as provided by section 13 of the Oaths Act 1936.

The said Members then signed the Roll pursuant to Standing Order No. 28.

The Commissioner then retired from the Chamber.

5. At twenty four minutes past eleven o’clock, the sitting of the Council was suspended until thirty minutes past two o’clock.

At thirty minutes past two o’clock, the President resumed the Chair.

6. The Governor (His Excellency Rear Admiral Kevin Scarce, A.C., C.S.C., R.A.N.R.) having been announced by Black Rod, was received by the President at the Bar of the Council Chamber and by him conducted to the Chair.

His Excellency, having requested that Members take their seats, commanded Black Rod to let Members of the House of Assembly know he desired their attendance in the Legislative Council Chamber forthwith:

Who, being come with their Speaker:

His Excellency having requested the Members of the House of Assembly to be seated, was pleased to address both Houses, as follows:

HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL AND MEMBERS OF THE HOUSE OF ASSEMBLY

I have called you together for the dispatch of business.

I would like to thank Mr Lewis O’Brien, an elder of the Kaurna people, for his gracious “welcome to country”.

I am also pleased to have taken the salute of the Australian Federation Guard, which includes young men and women representing our nation’s armed forces. The guard was officially launched for the Centenary of Federation celebrations, and has gained a well-deserved reputation as Australia’s premier ceremonial unit, undertaking its duties in Australia and overseas.

It is with sadness that we acknowledge the passing of three former Members since the Opening of the Third Session of the 51st Parliament. In November 2008, the Honourable Jack Olson, Member of the House of Assembly for the electorate of Semaphore in the period 1973 to 1979, passed away. In April 2009, we noted the sad passing of the Honourable Donald Laidlaw, Member of the Legislative Council from 1975 to 1982. And in September last year, the Honourable John Carnie, Member of the House of Assembly for the seat of Flinders from 1970 to 1973, and Member of the Legislative Council between 1975 and 1982, also passed away. We acknowledge the contributions made to our State by these Members, and we offer our further condolences to their families and friends.

Honourable Members.

My Government begins its third term in office seeking to oversee the transformation of South Australia with renewed vision and commitment. Its over-arching aim will be to continue to foster confidence and to help create jobs, while ensuring that the benefits of the State’s growing prosperity are shared by all. It has committed itself to re-connecting and re-engaging with the State through ongoing consultation, and by listening to South Australians’ concerns and aspirations.

In its first four-year term, the Government endeavoured to set our State on a new course with the release of South Australia’s Strategic Plan that contained a number of diverse and specific targets to help deliver increased economic, social and environmental wellbeing, among other goals. The Plan’s 2006 update revised and increased those targets, and the Government is committed to undertaking a further update of South Australia’s Strategic Plan in 2010.
The State’s economy remains strong and increasingly diverse. I am advised that while the recent global financial crisis slowed national economic growth, South Australia is outperforming other States on a number of important indicators of economic performance, including employment rates.

Central to this Government’s objectives is the creation of an extra 100,000 jobs in South Australia over the next six years. To that end, the Government plans to introduce additional training places and apprenticeships across a number of industry sectors.

Pre-apprenticeship programs and foundations skills training will also target sectors that continue to experience skills shortages, and those groups that experience high levels of under-employment, such as Aboriginal South Australians. In total, 100,000 training places will be offered over six years.

My Government will also remove payroll tax on wages for apprentices and trainees, and will introduce further reductions in land tax rates, which will see nearly 75,000 South Australians no longer liable for land tax in 2010-11.

To further promote job growth and economic activity in our State, the Government proposes to implement a Small and Medium-Sized Business Investment Development Program to increase the competitiveness of local manufacturers.

South Australia’s economic development is also being supported by an estimated $71.5 billion in major projects that are in the pipeline, and by sustained high levels of investment.

Health will remain a core priority for the Government. In addition to its major investment in health infrastructure, it will continue to pursue a number of initiatives to further improve services. These will both complement and incorporate the reforms that South Australia agreed to at the Council of the Australian Governments meeting on 20 April, 2010.

The Government has adopted a target that, by 2013, 95 per cent of emergency patients will be treated and discharged, or admitted to a ward within four hours. This initiative has now received support at the national level.

Further, I am advised that following the COAG Agreement, approximately $287 million of additional funding will be available to South Australia over the next four years, with a further $1.1 billion to follow. These resources will be directed to services in highest demand, including community-based support for young people with a mental illness, and to aged care places in nursing homes. The new funding arrangements from the COAG Agreement build on the substantial investment that the Government had already provisioned for 260,000 elective procedures over the next four years.

The State’s major hospitals will continue to undergo re-development and upgrading, and work on a new hospital to replace the ageing Royal Adelaide Hospital is ongoing. By November this year, the Government will choose a preferred consortium to build the new RAH, with construction due to begin by early 2011.

South Australia is also now the nation’s premier defence hub, with that sector continuing to be a major driver of our economy. The Government will continue to bid for major defence projects, and will support the defence industry’s ongoing growth through the establishment of a specialist naval education program, based at Le Fevre High School. A Minister for Defence Industry has also been appointed to further focus the Government’s work in this vitally important area of the State’s economy.

The mining and minerals resources sector also continues to be a flagship for South Australian economic growth, and contributed more than $2.6 billion in exports in the past financial year. I am advised that by the end of this year, there will be 16 mines in operation or under construction in South Australia, which is quadruple the number of mines that were operating in the State eight years ago. The Government will provide an additional $18.2 million to fund initiatives to boost employment in mining, and will continue to work with BHP Billiton to bring to fruition the Olympic Dam expansion. My Government will also recruit and train additional specialist maths and science teachers, in recognition of the importance of these disciplines to our burgeoning mining and defence industries.

South Australia continues to lead the nation in renewable energy investment. It has attracted 94 per cent of all Australian investment in geothermal projects, and is home to around 50 per cent of the nation’s wind power. Around 14 per cent of the State’s electricity is now being generated from renewable sources, and the Government is lifting its target for renewable energy production by 2020 from 20 per cent, as adopted nationally by the Prime Minister, to 33 per cent. It will also adopt a number of dedicated policies to support achievement of this target. These include the establishment of a Sustainable Technologies Precinct at Tonsley Park, to promote the development of environmental and clean technology industries.
My Government has reaffirmed its strong commitment to ensuring that South Australians receive a social dividend from the State’s economic expansion and prosperity. In its first term, the Government appointed a Commissioner for Social Inclusion, Monsignor David Cappo, to enhance and progress the work undertaken by the Social Inclusion Board in critical areas such as mental health, school retention, Aboriginal health, and homelessness. The Government will continue to pursue its social inclusion agenda, which has attracted national interest and been replicated to some degree in a number of other jurisdictions.

The Social Inclusion Board is paying particular attention to improving disability services across Government agencies, and to addressing long-term disadvantage by ensuring a social dividend is derived from the economic benefits that flow from the mining sector’s expansion and the State’s record infrastructure investment.

The Government recognises that the south of Adelaide continues to undergo major population and commercial growth and, consequently, will duplicate the Southern Expressway as well as build a new interchange at Darlington. Major track works for the electrification of the Gawler line are set to begin this year, with the first electric train services to commence in 2013. The extension and electrification of the Noarlunga line to Seaford is also underway, with early works having commenced and tenders called for the main design and construction contract. Work on the $564 million Northern Expressway is due to be completed later this year, and ground testing has begun on the site of South Australia’s biggest-ever road project, the South Road Superway.

My Government will also undertake a major expansion of the Adelaide Convention Centre, including a new plenary venue, to replace the existing original convention space. This will constitute part of a major development project to transform the southern bank of the River Torrens through new landscaping and improved access to North Terrace. Work undertaken in this high-profile precinct will further complement the proposed redevelopment and upgrade of Adelaide Oval. The new International-standard State Aquatic Centre is being built at Marion, and is due for completion late this year.

South Australia is also facing a period of significant demographic change. Our State’s population is projected to reach 1.64 million by 2014, and two million by 2029.

Despite large net immigration in-flows, the State’s average age will also increase during this period. This carries significant implications for future levels of economic activity and productivity, for the services on which people will rely (particularly health services), and for our State’s vital infrastructure.

My Government intends to build on its vision for vibrant, inclusive communities as outlined in the 30-Year Plan for Greater Adelaide. It believes that by enabling carefully-managed and responsible growth within our city and its surrounding regions, it will be able to promote even greater sustainability, wellbeing and social inclusion.

Ten extra children’s centres will be established to better support the parents of young children, bringing together pre-school, childcare, health and parenting services in a single location. The Government will also establish six new education units to provide support for up to 120 children with a disability, including two sites with a specialist focus on children with autism disorders.

Four of our State high schools – Adelaide, Glenunga, Brighton and Marryatville - will be substantially expanded to increase their combined capacity by up to 800 students. And six new behavioural centres will also be built at existing schools to provide specialist support to help teachers manage disruptive students, and to help students who are disrupting classes to get back on track.

This Government understands that water remains one of the most important issues for our State. Without adequate and secure water supplies to service our domestic, industrial, agricultural and environmental needs, the State will not be able to achieve the targets outlined in South Australia’s Strategic Plan.

In this session of Parliament, the Government will introduce amendments to the Environmental Protection Act 1993 for the licensing of the $1.8 billion desalination plant, currently under construction and due to deliver its first water in December this year. It will also provide rebates for up to an additional 40,000 rainwater tanks. South Australia already has the nation’s highest level of stormwater capture, and measures are in place to more than triple that amount by 2013.

This Government will also implement a 170 billion litre environmental reserve for the Lower Murray Lakes in 2010-11, and prepare a long-term plan for the drought-affected Murray Mouth.
My Government also remains strongly committed to maintaining prudent and diligent management of the State’s Budget. It has established the Sustainable Budget Commission, which will report mid-year on how best to address, among other things, the consequences of significant reductions in total revenues over the forward estimates period, as a result of the recent global financial crisis.

The 2010-11 Budget will be introduced into Parliament in September 2010. A Supply Bill will be introduced in the intervening period to ensure smooth conduct of Government business pending consideration of the Budget, and passage of the Appropriation Bill.

Also in this term, the Government will introduce legislation to implement strong new road safety measures, including special measures that will apply to an ‘inexperienced driver’ category, provision for mandatory alcohol interlocks fitted to vehicles of repeat offenders, and increased criminal penalties for those who cause harm while undertaking illegal street racing. Funding will also be provided to undertake more road black-spot improvement, and to expand road safety awareness programs.

From 2012, our renowned Adelaide Festival of Arts will become an annual event, to join other yearly attractions such as the Fringe Festival, WOMADelaide and the Tour Down Under.

Law and order continues to be a high priority for my Government. It will recruit an additional 300 police officers in South Australia, and will establish a Southern Community Justice Court that concentrates on dealing swiftly with offences, such as those involving drugs and other anti-social behaviour in those communities.

The Government will also introduce legislation to restrict the types of offences, and the seriousness of crimes that qualify for wholly-suspended sentences. Legislation will also be introduced to allow prosecutors to introduce evidence of prior attendance in court, where appropriate, and new parole restrictions that will be placed on child sex offenders. In addition, the Government intends to propose amendments to the law governing the confiscation of assets.

Bills will also be introduced to increase police powers in order to further control the carrying of weapons, and to control the conduct of people in the vicinity of our main entertainment precincts. And a review is being conducted to develop strategies to reduce alcohol-fuelled anti-social behaviour, which will include amendments to the Liquor Licensing Act 1997.

In this Parliament, a number of Bills will be introduced that reflect South Australia’s commitment to a broader national reform agenda.

The Government is committed to working closely and effectively with the Commonwealth and with other States and Territories to achieve important national reforms that aim, among other goals, to improve the environment for business.

Honourable Members.

With the policies and programs outlined, and working within the framework of South Australia’s Strategic Plan, the Government enters its third term seeking to build further on our State’s existing prosperity and momentum. In doing so, it aims to enable South Australians to maximise the opportunities that are available today, and to position our State to meet the challenges and reap the benefits presented by the future.

I now declare this session open, and trust that your deliberations will serve the advancement of the welfare of all South Australians.

REAR ADMIRAL KEVIN JOHN SCARCE, Governor.

Parliament House,
Adelaide.
6 May 2010.
His Excellency retired from the Chamber.
The Members of the House of Assembly withdrew.

Prayers.
7. The President read prayers.
8. The Minister for Mineral Resources Development (The Hon. P. Holloway), by leave, moved to express the thanks of the Council to former Members (The Hons. R. D. Lawson, C. V. Schaefer and D. N. Winderlich), to welcome new Members (The Hons. T. A. Jennings, J. S. Lee and K. L. Vincent) and to express sincere condolences to the family of the late Dr. Paul Collier at his untimely passing.

The Hon. D. W. Ridgway, the Hon. S. G. Wade, the Hon. M. C. Parnell, the Hon. D.G.E. Hood, the Hon. R. L. Brokenshire, the Hon. A. M. Bressington, the Hon. K. L. Vincent, the Hon. J. A. Darley and the President supported the remarks of the Minister for Mineral Resources Development.

Question put and passed.

9. Answers to Questions on Notice Nos. 154 and 222 of last Session, received this day, were tabled by the President who directed that they be distributed and printed in Hansard.

10. The President laid on the Table, and authorised to be printed, Report of the Statutory Authorities Review Committee on its Inquiry into the WorkCover Corporation of South Australia, which was authorised to be published pursuant to section 17(7)(b) of the Parliamentary Committees Act 1991.

11. The President laid on the Table, and authorised to be printed, Report of the Statutory Officers Committee, 2008-2009, which was authorised to be published pursuant to section 17(7)(b) of the Parliamentary Committees Act 1991.

12. The following Papers were laid upon the Table, viz.:

   By the President -
   Reports, 2008-2009 -
   Corporations -
   Adelaide.
   Burnside.
   Campbelltown.
   Charles Sturt.
   Holdfast Bay.
   Marion.
   Mitcham.
   Mount Gambier.
   Norwood, Payneham and St Peters.
   Playford.
   Port Adelaide Enfield.
   Prospect.
   Tea Tree Gully.
   Unley.
   Whyalla.

   District Councils -
   Adelaide Hills.
   Barossa.
   Cleve.
   Cooer Pedy.
   Coorong.
   Copper Coast.
   Gawler.
   Grant.
   Kangaroo Island.
   Karoonda East Murray.
   Kingston.
   Light.
   Loxton-Waikerie.
Mallala.
Mid Murray.
Mount Gambier.
Mount Remarkable.
Naracoorte Lucindale.
Northern Areas.
Onkaparinga.
Peterborough.
Renmark Paringa.
Robe.
Roxby Downs.
Southern Mallee.
Wakefield.
Yankalilla.
Yorke Peninsula.

   Question put and passed, without a dissentient voice, there being present an absolute majority of the whole number of Members of the Council.


15. The Minister for Mineral Resources Development tabled a copy of a Ministerial Statement made by the Attorney-General (The Hon. J. R. Rau, M.P.) concerning Public Integrity.

16. The Minister for Mineral Resources Development moved - That a Standing Orders Committee be appointed consisting of the President, the Hon. J. M. Gazzola, the Hon. R. I. Lucas, the Hon. D. W. Ridgway and the mover.
   Question put and passed.

17. Ordered - That for this Session a Library Committee not be appointed.

   Question put and passed.

19. The Minister for Mineral Resources Development moved - That pursuant to Section 5 of the Parliament (Joint Services) Act 1985, the Hon. J.S.L. Dawkins and the Hon. J. M. Gazzola be appointed to act with the President as Members of the Joint Parliamentary Service Committee and that the Hon. R. P. Wortley be appointed the alternate Member of the Committee to the President, the Hon. T. J. Stephens the alternate Member to the Hon. J.S.L. Dawkins and the Hon. I. K. Hunter the alternate Member to the Hon. J. M. Gazzola.
   Question put and passed.
   The Minister for Mineral Resources Development moved - That a Message be sent to the House of Assembly informing them of the aforementioned Resolution.
   Question put and passed.

20. The Minister for Mineral Resources Development moved - That pursuant to Section 20(2) of the Parliamentary Committees Act 1991, the following Members be appointed to the Environment, Resources and Development Committee, viz.: the Hon. J.M.A. Lensink, the Hon. M. C. Parnell and the Hon. C. Zollo, and that a Message be sent to the House of Assembly in accordance with the foregoing Resolution.
   Question put and passed.
21. The Minister for Mineral Resources Development moved - That pursuant to Section 20(2) of the Parliamentary Committees Act 1991, the following Members be appointed to the Social Development Committee, viz.: the Hon. D.G.E. Hood, the Hon. I. K. Hunter and the Hon. J. S. Lee, and that a Message be sent to the House of Assembly in accordance with the foregoing Resolution.
   Question put and passed.

22. The Minister for Mineral Resources Development moved - That pursuant to Section 20(2) of the Parliamentary Committees Act 1991, the following Members be appointed to the Legislative Review Committee, viz.: the Hon. J. A. Darley, the Hon. S. G. Wade and the Hon. R. P. Wortley, and that a Message be sent to the House of Assembly in accordance with the foregoing Resolution.
   Question put and passed.

23. The Minister for Mineral Resources Development moved - That pursuant to Section 20(2) of the Parliamentary Committees Act 1991, the following Members be appointed to the Statutory Authorities Review Committee, viz.: the Hon. A. M. Bressington, the Hon. I. K. Hunter, the Hon. R. I. Lucas, the Hon. T. J. Stephens and the Hon. C. Zollo.
   Question put and passed.

24. The Minister for Mineral Resources Development moved - That pursuant to section 20(2) of the Parliamentary Committees Act 1991, the following Members be appointed to the Natural Resources Committee, viz.: the Hon. R. L. Brokenshire, the Hon. J.S.L. Dawkins and the Hon. R. P. Wortley, and that a Message be sent to the House of Assembly in accordance with the foregoing Resolution.
   Question put and passed.

25. The Minister for Mineral Resources Development moved - That pursuant to section 5 of the Aboriginal Lands Parliamentary Standing Committee Act 2003, the following Members be appointed to the Aboriginal Lands Parliamentary Standing Committee, viz.: the Hon. J. M. Gazzola, the Hon. T. A. Jennings and the Hon. T. J. Stephens, and that a Message be sent to the House of Assembly in accordance with the foregoing Resolution.
   Question put and passed.

26. The Minister for Mineral Resources Development moved - That pursuant to section 20(2) of the Parliamentary Committees Act 1991, the following Members be appointed to the Occupational Safety, Rehabilitation and Compensation Committee, viz.: the Hon. J. A. Darley, the Hon. J. M. Gazzola and the Hon. R. I. Lucas, and that a Message be sent to the House of Assembly in accordance with the foregoing Resolution.
   Question put and passed.

27. The Minister for Mineral Resources Development moved - That pursuant to section 20(2) of the Parliamentary Committees Act 1991, the following Members be appointed to the Statutory Officers Committee, viz.: the Minister for Mineral Resources Development, the Hon. J. A. Darley and the Hon. S. G. Wade, and that a Message be sent to the House of Assembly in accordance with the foregoing Resolution.
   Question put and passed.

28. The President having laid on the Table a copy of the Opening Speech by the Governor:
   The Minister for Mineral Resources Development moved - That a Committee consisting of the Hon. I. K. Hunter, the Hon. J. S. Lee, the Hon. D. W. Ridgway, the Hon. R. P. Wortley and the mover, be appointed to prepare a Draft Address in Reply to the Speech delivered this day by His Excellency the Governor and to report on the next day of sitting.
   Question put and passed.

29. Ordered - That the Council, at its rising, do adjourn until Tuesday, 11 May 2010.

30. Council adjourned at twenty two minutes past five o’clock until Tuesday, 11 May 2010, at fifteen minutes past two o’clock.
Members present during any part of the sitting:

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<th>The Hon. A. M. Bressington</th>
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Notices and Orders of the Day

Tuesday 11 May 2010

Notices of Motion: Government Business -

1. The Minister for Mineral Resources Development to move -

That, during the present Session, the Council make available to any person who believes that he or she has been adversely referred to during proceedings of the Legislative Council the following procedure for seeking to have a response incorporated into Hansard-

I. Any person who has been referred to in the Legislative Council by name, or in another way so as to be readily identified, may make a submission in writing to the President -

(a) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in profession, occupation or trade or in the holding of an office, or in respect of any financial credit or other status or that his or her privacy has been unreasonably invaded; and

(b) requesting that his or her response be incorporated in to Hansard.

II. The President shall consider the submission as soon as practicable.

III. The President shall reject any submission that is not made within a reasonable time.

IV. If the President has not rejected the submission under clause III, the President shall give notice of the submission to the Member who referred in the Council to the person who has made the submission.

V. In considering the submission, the President -

(a) may confer with the person who made the submission;
(b) may confer with any Member;
(c) must confer with the Member who referred in the Council to the person who has made the submission and provide to that Member a copy of any proposed response at least one clear sitting day prior to the publication of the response;

but

(d) may not take any evidence;
(e) may not judge the truth of any statement made in the Council or the submission.

VI. If the President is of the opinion that -

(a) the submission is trivial, frivolous, vexatious or offensive in character; or
(b) the submission is not made in good faith; or
(c) the submission has not been made within a reasonable time; or
(d) the submission misrepresents the statements made by the Member; or
(e) there is some other good reason not to grant the request to incorporate a response in to Hansard,

the President shall refuse the request and inform the person who made it of the President’s decision.

VII. The President shall not be obliged to inform the Council or any person of the reasons for any decision made pursuant to this resolution. The President’s decision shall be final and no debate, reflection or vote shall be permitted in relation to the President’s decision.

VIII. Unless the President refuses the request on one or more of the grounds set out in paragraph V of this resolution, the President shall report to the Council that in the President’s opinion the response in terms agreed between him and the person making the request should be incorporated in to Hansard and the response shall thereupon be incorporated in to Hansard.

IX. A response -

(a) must be succinct and strictly relevant to the question in issue;
(b) must not contain anything offensive in character;
(c) must not contain any matter the publication of which would have the effect of -

(i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person’s privacy in the manner referred to in paragraph I of this resolution, or

(ii) unreasonably aggravating any adverse effect, injury or invasion of privacy suffered by any person, or
(iii) unreasonably aggravating any situation or circumstance,
and
(d) must not contain any matter the publication of which might prejudice -
   (i) the investigation of any alleged criminal offence,
   (ii) the fair trial of any current or pending criminal proceedings, or
   (iii) any civil proceedings in any court or tribunal.
X. In this resolution -
   (a) “person” includes a corporation of any type and an unincorporated association;
   (b) “Member” includes a former Member of the Legislative Council.”

2. The Minister for Mineral Resources Development to move - That he have leave to introduce a Bill for an Act to amend the Mining Act 1971 and to make a related amendment to the Petroleum and Geothermal Energy Act 2000.

3. The Minister for State/Local Government Relations to move - That she have leave to introduce a Bill for an Act to enact ancillary provisions, including transitional provisions, relating to the enactment by the Parliament of the Commonwealth of legislation relating to the provision of credit and certain other financial transactions under its legislative powers, including powers with respect to matters referred to that Parliament for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth; to amend the Bills of Sale Act 1886, the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007, the Second-hand Vehicle Dealers Act 1995, the Security and Investigation Agents Act 1995, and the Stamp Duties Act 1923; and to repeal the Consumer Credit (South Australia) Act 1995 and the Credit Administration Act 1995.

4. The Minister for State/Local Government Relations to move - That she have leave to introduce a Bill for an Act to adopt the National Consumer Credit Protection Act 2009 of the Commonwealth (as amended) and the National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009 of the Commonwealth, and to refer certain matters relating to the provision of credit and certain other financial transactions to the Parliament of the Commonwealth, for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth.

Order of the Day: Government Business -
1. Address in Reply: Report of Committee to be brought up.

WEDNESDAY 12 MAY 2010

Notices of Motion: Private Business -
1. The Hon. S. G. Wade to move - That he have leave to introduce a Bill for an Act to establish the Independent Commission Against Corruption; to define its functions and powers; and for other purposes.

2. The Hon. R. L. Brokenshire to move - That he have leave to introduce a Bill for an Act to amend the Electoral Act 1985.

3. The Hon. R. L. Brokenshire to move - That he have leave to introduce a Bill for an Act to establish the Independent Commission Against Corruption; to define its functions and powers; and for other purposes.

4. The Hon. R. L. Brokenshire to move - That he have leave to introduce a Bill for an Act to amend the Subordinate Legislation Act 1978.

5. The Hon. R. L. Brokenshire to move - That he have leave to introduce a Bill for an Act to provide special planning and development procedures to protect the amenity of the Willunga Basin; to make related amendments to the Development Act 1993; and for other purposes.
6. The Hon. R. L. Brokenshire to move - That he have leave to introduce a Bill for an Act to amend the Environment Protection Act 1993; and to make a consequential amendment to the Land and Business (Sale and Conveyancing) Act 1994.

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

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Contingent Notice of Motion -

1. Contingently, on the second reading of any Bill being moved, or on any Bill being reported, the Minister for Mineral Resources 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.