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

2. The Hon. R. P. Wortley brought up the Nineteenth Report, 2010-2011, of the Legislative Review Committee.

3. In accordance with Standing Orders, the President called on Members to make Statements on Matters of Interest.

4. Ordered - separately - That Notices of Motion (Private Business) No. 1 and No. 2 be Orders of the Day for Wednesday, 23 March 2011.

5. The Hon. S. G. Wade, pursuant to notice, moved - That this Council notes the centenary of the passage of the Female Practitioners Act 1911, the contribution of female practitioners in the 100 years since and the ongoing contribution of women to the State through the legal profession.
   On motion of the Hon. I. K. Hunter, the debate was adjourned until Wednesday, 23 March 2011.

6. The Hon. T. A. Franks, pursuant to notice, moved - 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.
   On motion of The Hon. C. Zollo, the debate was adjourned until Wednesday, 23 March 2011.
7. The Hon. R. L. Brokenshire, pursuant to notice, moved - That this Council -
   I. Notes with concern the impact on the Dairy Industry of the Coles milk pricing strategy and that -
      (a) dairy farmers around the country are today seriously questioning their future having suffered through one of the worst decades in memory, including droughts, floods, price cuts and rising costs of input such as energy and feed; and
      (b) unsustainable retail milk prices will, over time, compel processors to renegotiate contracts with dairy farmers and the prospect that these contracts will be below the cost of production may force many to leave the industry; and
      (c) the fact that supermarkets are now selling milk cheaper than many varieties of bottled water will be the straw that finally breaks the camel’s back for many dairy farmers; and
      (d) the risk of other potential impacts include -
         i. decreased competition as name brands are forced from the shelves; and
         ii. the possible loss of fresh milk supplies to some parts of the country as local fresh milk industries become unviable.
   II. Calls upon the Federal Government to -
      (a) ask the ACCC to immediately undertake an investigation into the big supermarkets and milk wholesalers after recent price cuts to ensure they do not have too much market power and are not uncompetitive in their behaviour; and
      (b) support the new Senate inquiry into the ongoing milk price war between the country’s major supermarket chains.

On motion of the Hon. J. M. Gazzola, the debate was adjourned until Wednesday, 23 March 2011.

8. The Hon. J.S.L. Dawkins, pursuant to notice, moved - That this Council -
   I. Expresses its concern at the recent number of unprovoked violent attacks in South Australia;
   II. Congratulates organisations such as the Sammy D. Foundation for proactively seeking to discourage youth violence by empowering young people to make safe and positive life choices; and
   III. Urges the Rann Government to implement a public awareness campaign targeting all forms of youth violence modelled on the One Punch Can Kill or Step Back Think campaigns operating in Queensland and Victoria.

On motion of the Hon. J. M. Gazzola, the debate was adjourned until Wednesday, 23 March 2011.

9. The Hon. T. A. Franks, pursuant to notice, moved - That this Council condemns the Government for its failure to -
   I. Act in a timely and appropriate manner to proclaim legislation passed over 15 months ago, namely the Building and Construction Industry Security of Payment Act 2009;
   II. Allocate responsibility for this legislation to a particular Minister;
   III. Acknowledge the hardship and human consequences that its failure to act has created, including protracted and expensive litigation undertaken to recover moneys owed that would not have been necessary had this legislation been active; and
   IV. Provide this Council with details of -
      (a) which Government Department will be responsible for administering the Act and its regulations;
      (b) when the industry will be able to access information and details, including a public point of contact within Government to obtain further information when, and if, this becomes available; and
      (c) how the Government intends to urgently inform the industry in regards to this; and
      (d) when the people in the industry who have been seeking answers from the Premier and Attorney-General’s Offices will actually get a response to their correspondence.

On motion of the Hon. J.S.L. Dawkins, the debate was adjourned until Wednesday, 23 March 2011.

   Question - That the Motion be agreed to - put and passed.

12. On the Order of the Day being read for the adjourned debate on the motion of the Hon. R. P. Wortley - That the Report, 2009-2010, of the Natural Resources Committee, be noted:
   Debate resumed.
   Question - That the Motion be agreed to - put and passed.


14. On the Order of the Day being read for the adjourned debate on the motion of the Hon. R. L. Brokenshire -
   I. That a Select Committee of the Legislative Council be appointed to inquire into and report upon elements of the grain industry in South Australia and in particular -
      (a) The capacity of the market to ensure a vigorous and competitive marketplace for grain growers;
      (b) Grain classification and standards and whether internationally approved grain testing options, e.g. falling number machines, should be available to growers on request;
      (c) Service delivery, including human resources, operating hours and storage capacity of grain receival points;
      (d) Export and shipping arrangements, including port access and associated costs;
      (e) Grain quality management, including receivals and outturn;
      (f) Open and transparent information on all grains, including stock disclosures;
      (g) Adequacy of road and transport infrastructure for the grain industry; and
      (h) 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:
   Ordered - That the Order of the Day be discharged.


16. On the Order of the Day being read for the adjourned debate on the motion of the Hon. M. C. Parnell - Noting the recent decision of the High Court in the case of State of South Australia v Totani and Another, the Legislative Council refers the following matters to the Legislative Review Committee for inquiry and report -
   I. The extent to which South Australian legislation includes the concepts of criminal intelligence, declared organisations or control orders;
   II. Any concerns about the Constitutional validity of such provisions;
   III. The consistency of such provisions with established legal principles;
   IV. The impact of such provisions on the civil liberties of South Australians;
   V. The effectiveness of such provisions;
   VI. The desirability or otherwise of expanding or contracting the use of such provisions in legislation;
   VII. Whether any amendments to any Acts are necessary or desirable; and
   VIII. Any other relevant matter.
Debate resumed.
The Hon. S. G. Wade moved to amend the motion after “refers the following matters to the Legislative Review Committee for inquiry and report” by inserting the following words: “within two months”.
And the Hon. M. C. Parnell having obtained leave to conclude his remarks, the debate was adjourned and ordered to be resumed on motion.

17. At two minutes past six o’clock the sitting was suspended until the ringing of the bells.
   At fifteen minutes to eight o’clock the sitting was resumed.

18. Ordered - That the adjourned debate on the Motion of the Hon. M. C. Parnell - That noting the recent decision of the High Court in the case of State of South Australia v Totani and Another, the Legislative Council refers the following matters to the Legislative Review Committee for inquiry and report -
   I. The extent to which South Australian legislation includes the concepts of criminal intelligence, declared organisations or control orders;
   II. Any concerns about the Constitutional validity of such provisions;
   III. The consistency of such provisions with established legal principles;
   IV. The impact of such provisions on the civil liberties of South Australians;
   V. The effectiveness of such provisions;
   VI. The desirability or otherwise of expanding or contracting the use of such provisions in legislation;
   VII. Whether any amendments to any Acts are necessary or desirable; and
   VIII. Any other relevant matter.
   To which the Hon. S. G. Wade has moved to amend after “refers the following matters to the Legislative Review Committee for inquiry and report” by inserting the following words: “within two months” - be resumed.
   Question - That the amendment moved by the Hon. S. G. Wade be agreed to - put and passed.
   Question - That the motion moved by the Hon. M. C. Parnell, and as amended by the Hon. S. G. Wade, be agreed to - put.
   Committee divided:
   Ayes, 10
   The Hon. A. M. Bressington
   The Hon. J.S.L. Dawkins
   The Hon. T. A. Franks
   The Hon. J. S. Lee
   The Hon. R. I. Lucas
   The Hon. D. W. Ridgway
   The Hon. T. J. Stephens
   The Hon. K. L. Vincent
   The Hon. S. G. Wade
   The Hon. M. C. Parnell (Teller)
   Noes, 9
   The Hon. R. L. Brokenshire
   The Hon. J. A. Darley
   The Hon. J. M. Gazzola
   The Hon. P. Holloway
   The Hon. D.G.E. Hood
   The Hon. I. K. Hunter
   The Hon. R. P. Wortley
   The Hon. C. Zollo
   The Hon. B. V. Finnigan (Teller)
   So it was resolved in the affirmative.
   Motion agreed to.


20. On the Order of the Day being read for the adjourned debate on the question - That the Children’s Protection (Reporting of Suspected Criminal Offence) Amendment Bill be now read a second time:
   Debate resumed.
   Question put and passed.
   Bill read a second time.
   Ordered - That the Bill’s consideration in Committee be an Order of the Day for Wednesday, 23 March 2011.

22. Ordered - That Orders of the Day (Government Business) be Orders of the Day for next day of sitting.

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

Message No. 70
MR. PRESIDENT - The House of Assembly has agreed to the amendment made by the Legislative Council in the Health and Community Services Complaints (Miscellaneous) Amendment Bill, without any amendment.

Message No. 71
MR. PRESIDENT - The House of Assembly has passed the Bill transmitted herewith entitled an Act to amend the Motor Vehicles Act 1959; and to make related amendments to the Civil Liability Act 1936, to which it desires the concurrence of the Legislative Council.
Ordered - That the second reading be an Order of the Day for next day of sitting.

Message No. 72
MR. PRESIDENT - The House of Assembly has passed the Bill transmitted herewith entitled an Act to amend the Summary Offences Act 1953, to which it desires the concurrence of the Legislative Council.
Ordered - That the second reading be an Order of the Day for next day of sitting.

24. Council adjourned at twenty nine minutes past eight o’clock until tomorrow at fifteen minutes past two o’clock.

Members present during any part of the sitting:

The Hon. A. M. Bressington The Hon. J. M. Gazzola The Hon. M. C. Parnell
The Hon. R. L. Brokenshire The Hon. P. Holloway The Hon. D. W. Ridgway
The Hon. J. A. Darley The Hon. D.G.E. Hood The Hon. T. J. Stephens
The Hon. B. V. Finnigan The Hon. J. S. Lee The Hon. S. G. Wade
The Hon. T. A. Franks The Hon. J.M.A. Lensink The Hon. R. P. Wortley
The Hon. G. E. Gago The Hon. R. I. Lucas The Hon. C. Zollo
NOTICES AND ORDERS OF THE DAY

THURSDAY 10 MARCH 2011

Notice of Motion: Government Business -
1. The Minister for Industrial Relations to move - That he have leave to introduce a Bill for an Act to provide for the care and protection of children working in South Australia; and for other purposes.

Orders of the Day: Government Business -


*2. Stamp Duties (Partnership Interests) Amendment Bill (No. 35): adjourned debate on second reading - (July 21, September 16) - (The Hon. R. P. Wortley).

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


*5. South Australian Public Health Bill (No. 72): in Committee - clause 90 - (February 22, March 8).


*10. Statutes Amendment (Personal Property Securities) Bill (No. 80): second reading.


WEDNESDAY 23 MARCH 2011

Orders of the Day: Private Business -
1. The Hon. R. P. Wortley to move - That By-law No. 2 of the District Council of Peterborough concerning Moveable Signs, made on 20 December 2010 and laid on the Table of this Council on 10 February 2011, be disallowed.

*Received from House of Assembly.
2. The Hon. R. L. Brokenshire to move -
   I. That a Select Committee of the Legislative Council be appointed to inquire into and report upon the State Government’s proposal to forward sell harvesting rights in Forestry SA plantation estates, and any other related matters.
   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.

3. Adjourned debate on motion of the Hon. S. G. Wade - That this Council notes the centenary of the passage of the Female Practitioners Act 1911, the contribution of female practitioners in the 100 years since and the ongoing contribution of women to the State through the legal profession - (March 9) - (The Hon. I. K. Hunter).

4. 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).

5. Adjourned debate on motion of the Hon. R. L. Brokenshire - That this Council -
   I. Notes with concern the impact on the Dairy Industry of the Coles milk pricing strategy and that -
      (a) dairy farmers around the country are today seriously questioning their future having suffered through one of the worst decades in memory, including droughts, floods, price cuts and rising costs of input such as energy and feed; and
      (b) unsustainable retail milk prices will, over time, compel processors to renegotiate contracts with dairy farmers and the prospect that these contracts will be below the cost of production may force many to leave the industry; and
      (c) the fact that supermarkets are now selling milk cheaper than many varieties of bottled water will be the straw that finally breaks the camel’s back for many dairy farmers; and
      (d) the risk of other potential impacts include -
         i. decreased competition as name brands are forced from the shelves; and
         ii. the possible loss of fresh milk supplies to some parts of the country as local fresh milk industries become unviable.
   II. Calls upon the Federal Government to -
      (a) ask the ACCC to immediately undertake an investigation into the big supermarkets and milk wholesalers after recent price cuts to ensure they do not have too much market power and are not uncompetitive in their behaviour; and
      (b) support the new Senate inquiry into the ongoing milk price war between the country’s major supermarket chains - (March 9) - (The Hon. J. M. Gazzola).

6. Adjourned debate on motion of the Hon. J.S.L. Dawkins - That this Council -
   I. Expresses its concern at the recent number of unprovoked violent attacks in South Australia;
   II. Congratulates organisations such as the Sammy D. Foundation for proactively seeking to discourage youth violence by empowering young people to make safe and positive life choices; and
III. Urges the Rann Government to implement a public awareness campaign targeting all forms of youth violence modelled on the One Punch Can Kill or Step Back Think campaigns operating in Queensland and Victoria - (March 9) - (The Hon. J. M. Gazzola).

7. Adjourned debate on motion of the Hon. T. A. Franks - That this Council condemns the Government for its failure to -
   I. Act in a timely and appropriate manner to proclaim legislation passed over 15 months ago, namely the Building and Construction Industry Security of Payment Act 2009;
   II. Allocate responsibility for this legislation to a particular Minister;
   III. Acknowledge the hardship and human consequences that its failure to act has created, including protracted and expensive litigation undertaken to recover moneys owed that would not have been necessary had this legislation been active; and
   IV. Provide this Council with details of -
      (a) which Government Department will be responsible for administering the Act and its regulations;
      (b) when the industry will be able to access information and details, including a public point of contact within Government to obtain further information when, and if, this becomes available; and
      (c) how the Government intends to urgently inform the industry in regards to this; and
      (d) when the people in the industry who have been seeking answers from the Premier and Attorney-General’s Offices will actually get a response to their correspondence - (March 9) - (The Hon. J.S.L. Dawkins).


9. Adjourned debate on motion of The Hon. J.S.L. Dawkins - That this Council notes -
   I. the Senate’s Community Affairs References Committee Report titled “The Hidden Toll: Suicide in Australia”;
   II. that this Committee recommended a suicide prevention and awareness campaign for high risk groups, such as people in rural and remote areas;
   III. that this Committee also recommended that additional “gatekeeper” suicide awareness and risk assessment training be directed to people living in regional, rural and remote areas;
   IV. that both the World Health Organisation and the International Association for Suicide Prevention have advocated a multi-faceted approach to suicide prevention, including recognising the important role that community based organisations can play in preventing suicide;
   and
   V. congratulates the Eyre Peninsula Local Government Association and the Eyre Peninsula Division of General Practice for seizing the initiative and providing funding to establish its own Community Response to Eliminating Suicide program on the Eyre Peninsula; and
   VI. urges the Rann Government to place greater emphasis on community based organisations such as the Community Response to Eliminating Suicide program and acknowledges their importance, particularly in preventing suicide in regional South Australia - (February 23) - (The Hon. J. M. Gazzola).

10. Adjourned debate on motion of the Hon. K. L. Vincent - That this Council calls on the Minister for Disability and the Treasurer to rescind the decision to abolish the Disability SA Client Trust Account - (February 23) - (The Hon. I. K. Hunter).

11. Marriage Equality Bill (No. 73): adjourned debate on second reading - (February 9, 23) - (The Hon. J. M. Gazzola)⁶.

13. Adjourned debate on motion of the Hon. J.M.A. Lensink - That this Council calls on the Minister for Environment and Conservation to place an immediate moratorium on the imposition of the draft sanctuary zones contained within the Marine Parks’ outer boundaries for South Australia - (February 9, 23) - (The Hon. J. M. Gazzola).

14. Adjourned debate on motion of the Hon. J.M.A. Lensink - That the Social Development Committee inquire into and report on the current provision and plans for future delivery of Health Services in Regional South Australia, with particular reference to -
   I. Health Advisory Councils replacing local Hospital Boards, significantly reducing their decision making power and effective contribution to local operations;
   II. The consequent decline in local community fundraising due to local communities not having a voice in health spending in their area;
   III. How funds previously raised by local communities are now spent;
   IV. The removal of funding to the Keith, Moonta and Ardrossan Hospitals;
   V. Country hospitals failing to receive final 2010-2011 operational budgets so that they are forced to work on indicative budgets and the impact on their ability to make decisions;
   VI. Property titles of hospitals being transferred inconsistently or inappropriately;
   VII. The impacts of a State-wide freeze on the hiring of staff for any new positions;
   VIII. Transfer of St. Johns Ambulance to South Australian Ambulance Service and consequent outcomes including -
      (a) removal of the ability of local volunteers to decide which community events they attend;
      (b) “fees” for attendance at local community events set by and paid to Country Health SA instead of the traditional system of donations being provided directly to local ambulance stations; and
      (c) reduced incentive for new volunteers to participate;
   IX. The reduction of admission rights for country general practitioners and the consequences for the provision of accident and emergency services across CHSA and community hospitals;
   X. The centralisation of purchasing by country hospitals and the consequent impact upon local communities’ businesses;
   XI. Bullying and understaffing at the Port Augusta Hospital;
   XII. The impact of deeming Country Health as “local network” for all of regional South Australia within the Federal health system so that different regions within the State have no different identity within the Federal programmes and funding; and
   XIII. All other relevant matters - (February 23) - (The Hon. I. K. Hunter).

15. 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 - (February 9) - (The Hon. J. M. Gazzola).


18. The Hon. I. K. Hunter to move - That he have leave to introduce a Bill for an Act providing for marriage between adults of the same sex.

20. Parliamentary Remuneration (Basic Salary Determinations) Amendment Bill (No. 71): adjourned debate on second reading - (November 24) - (The Hon. M. C. Parnell).7

21. The Hon. R. P. Wortley to move - That By-law No. 5 of the District Council of Kangaroo Island concerning Dogs, made on 13 August 2010 and laid on the Table of this Council on 14 September 2010, be disallowed.

22. The Hon. R. P. Wortley to move - That By-law No. 6 of the District Council of Kangaroo Island concerning Cats, made on 13 August 2010 and laid on the Table of this Council on 14 September 2010, be disallowed.

23. The Hon. R. P. Wortley to move - That the By-law under the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 concerning Permits, made on 2 September 2010 and laid on the Table of this Council on 14 September 2010, be disallowed.


25. Local Government (Miscellaneous) Amendment Bill (No. 58): adjourned debate on second reading - (November 10) - (The Hon. J. M. Gazzola).10


29. Workers Rehabilitation and Compensation (Reinstatement of Entitlements) Amendment Bill (No. 60): adjourned debate on second reading - (November 10) - (The Hon. R. P. Wortley).4

30. Adjourned debate on motion of the Hon. R. L. Brokenshire - That the Statutory Authorities Review Committee inquire into and report on the effectiveness of the Office of the Health and Community Services Complaints Commissioner having regard to -
   I. Any concerns that members of the public or the Committee have regarding the Office’s responsiveness to complaints to the Office;
   II. Any proven outcomes since the creation of the Office;
   III. The adequacy of reporting by the Office;
   IV. The adequacy in quantity and quality of reports produced by the Office pursuant to section 54 of the Health and Community Services Complaints Act 2004;
   V. Examples of use of the Office’s discretionary powers under the said Act;
   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).

31. 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.

32. Consent to Medical Treatment and Palliative Care (Termination of Pregnancy) Amendment Bill (No. 53): adjourned debate on second reading - (October 27) - (The Hon. I. K. Hunter).

33. 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).

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


36. 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 of Tuesday, 28 September 2010, be disallowed - (October 27) - (The Hon. J. M. Gazzola).


39. Adjourned debate on motion of the Hon. M. C. Parnell -
   I. That a Select Committee of the Legislative Council be established to inquire and report on the relationship between industrial and residential land uses on the Le Fevre Peninsula and adjacent areas, with specific reference to -
      (a) The risk to health, safety and amenity of existing residents and potential new residents;
      (b) The impact of new residential development on existing and potential future industry;
      (c) The adequacy of existing laws, policies and guidelines;
      (d) The role of the following agencies:
         i. Land Management Corporation;
         ii. Environment Protection Authority;
         iii. Port Adelaide Enfield Council;
         iv. Development Assessment Commission;
         v. Development Policy Advisory Committee;
         vi. Other referral bodies under the Development Act; and
vii. Other relevant agencies; and
   (e) Any other matters that the Committee considers relevant.

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 - (October 27) - (The Hon.
    J. M. Gazzola).

40. The Hon. R. L. Brokenshire to move - That he have leave to introduce a Bill for an Act to amend
    the Health Care Act 2008.

41. Controlled Substances (Simple Cannabis Offences) Amendment Bill (No. 43): in Committee.

42. Coroners (Recommendations) Amendment Bill (No. 44): adjourned debate on second reading -
    (September 29) - (The Hon. R. P. Wortley).

43. Children’s Protection (Reporting of Suspected Criminal Offence) Amendment Bill (No. 46): in
    Committee.

44. The Hon. R. P. Wortley to move - That the Corporation of Port Augusta By-law No. 2 concerning
    Moveable Signs, made on 22 February 2010 and laid on the Table of this Council on 11 May 2010,
    be disallowed.

45. 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).

46. 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).

47. 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).

48. 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).

49. Native Vegetation (Application of Act) Amendment Bill (No. 29): adjourned debate on second
    reading - (July 21) - (The Hon. J. M. Gazzola).
50. Electricity (Renewable Energy) Amendment Bill (No. 30): adjourned debate on second reading - (July 21) - (The Hon. J. M. Gazzola)².

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

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

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

54. Stolen Generations Reparations Tribunal Bill (No. 34): adjourned debate on second reading - (July 21) - (The Hon. B. V. Finnigan)⁶.

55. 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.

56. 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).

57. 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).

58. 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).


60. Children’s Protection (Recording of Meetings) Amendment Bill (No. 11): adjourned debate on second reading - (May 26) - (The Hon. I. K. Hunter)².

61. Independent Commission Against Corruption Bill (No. 4): in Committee¹.

62. Independent Commission Against Corruption Bill (No. 5): adjourned debate on second reading - (May 12) - (The Hon. T. J. Stephens)².

63. Subordinate Legislation (Miscellaneous) Amendment Bill (No. 6): adjourned debate on second reading - (May 12) - (The Hon. T. J. Stephens)².

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

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


67. Adjourned debate on motion of the Hon. M. C. Parnell - That this Council -

I. Notes the decision of the Supreme Court on 9 April 2010 in the matter of White and Others against the State of South Australia.

II. Notes with alarm the misguided intervention of two Government Ministers in the case, namely the Treasurer (The Hon. K. O. Foley) and the Minister for Police (The Hon. M. J. Wright).

III. Notes the remarks of His Honour Justice Anderson that the comments of the Ministers were unfounded, unreasonable, antagonistic, unjustified and offensive and that His Honour increased the award of damages to the Plaintiffs by $135,000 as a direct consequence of the Ministers’ behaviour.
IV. Calls on the Treasurer and the Minister for Police to apologise to the South Australian people for the impact their comments have had on the finances of the State - (May 12, 26) - (The Hon. B. V. Finnigan).

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WEDNESDAY 27 JULY 2011

Orders of the Day: Private Business -

1. Select Committee on Matters Related to the General Election of 20 March 2010: Report to be brought up.

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

3. Select Committee on Disability Services Funding: Report to be brought up.

4. Select Committee on Lonsdale-based Adelaide Desalination Plant: Report to be brought up.

5. Select Committee on Department of Correctional Services: Report to be brought up.

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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 Industrial Relations 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.

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. Lensink
6Hon. T. A. Franks
7Hon. M. C. Parnell
8Hon. K. L. Vincent
9Hon. D.G.E. Hood
10Hon. D. W. Ridgway