1. Council met pursuant to adjournment. The President (The Hon. J. M. Gazzola) took the Chair. The President read prayers.

2. 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 Statutes Amendment (National Energy Retail Law Implementation) Bill. Question put and passed.

3. The Minister for Agriculture, Food and Fisheries, by leave, without notice, moved - That the sitting of the Council be not suspended during the continuation of the Conference on the Statutes Amendment and Repeal (TAFE SA Consequential Provisions) Bill. Question put and passed.

4. The Minister for Agriculture, Food and Fisheries, by leave, without notice, moved - That the sitting of the Council be not suspended during the Conference on the Graffiti Control (Miscellaneous) Amendment Bill. Question put and passed.

5. The following Papers were laid upon the Table, viz.:
   By the President -
   By the Minister for Agriculture, Food and Fisheries (The Hon. G. E. Gago) -
   Reports, 2011 -2012 -
   Department of Treasury and Finance.
   Equal Opportunity.
   WorkCover Ombudsman SA.
   WorkCover SA.
   Reports, 2012 -
   South Australian Classification Council.
Review of the Execution of Powers under the Serious and Organised Crime (Control) Act 2008 exercised during the period 1 July 2011 to 30 June 2012.


By the Minister for Industrial Relations (The Hon. R. P. Wortley) -

By the Minister for Communities and Social Inclusion (The Hon. I. K. Hunter) -

6. The Minister for Agriculture, Food and Fisheries tabled a copy of a Ministerial Statement made by the Treasurer (The Hon. J. J. Snelling, M.P.) concerning Sale of Forestry SA’s Forward Rotations Complete.

7. The Minister for Agriculture, Food and Fisheries tabled a copy of a Ministerial Statement made by the Attorney-General (The Hon. J. R. Rau, M.P.) concerning Statewide Wind Farms DPA.

8. The Minister for Communities and Social Inclusion tabled a copy of a Ministerial Statement made by the Minister for Police (The Hon. J. M. Rankine, M.P.) concerning Victims of Crime - Alleged Fraud.

9. The Minister for Industrial Relations, pursuant to notice, moved - That he have leave to introduce a Bill for an Act to amend the Construction Industry Long Service Leave Act 1987.
   Question put and passed.
   Bill introduced and 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. S. G. Wade, the debate was adjourned until next day of sitting.

10. Ordered - That Orders of the Day (Government Business) No. 1 and No. 2 be Orders of the Day for next day of sitting.

11. On the Order of the Day being read for the adjourned debate on the question - That the Criminal Law (Sentencing) (Guilty Pleas) Amendment Bill be now read a second time:
    Debate resumed.
    On motion of the Hon. G. A. Kandelaars, the debate was adjourned until next day of sitting.

12. On the Order of the Day being read for the adjourned debate on the question - That the Criminal Law (Sentencing) (Supergrass) Amendment Bill be now read a second time:
    Debate resumed.
    On motion of the Hon. G. A. Kandelaars, the debate was adjourned until next day of sitting.

13. Ordered - That Order of the Day (Government Business) No. 5 be an Order of the Day for next day of sitting.

14. On the Order of the Day being read for the adjourned debate on the question - That the Evidence (Reporting on Sexual Offences) Amendment Bill be now read a second time:
    Debate resumed.
    On motion of the Hon. G. A. Kandelaars, the debate was adjourned until next day of sitting.

15. Ordered - That Orders of the Day (Government Business) No. 7 and No. 8 be Orders of the Day for next day of sitting.

16. The Minister for Agriculture, Food and Fisheries, according to Order, moved - That the Criminal Assets Confiscation (Prescribed Drug Offender Assets) Amendment Bill be now read a second time.
    On motion of the Hon. S. G. Wade, the debate was adjourned until next day of sitting.
17. Ordered - That Order of the Day (Government Business) No. 10 be an Order of the Day for next day of sitting.

18. The Minister for Agriculture, Food and Fisheries, according to Order, moved - That the Classification (Publications, Films and Computer Games) (R18+ Computer Games) Amendment Bill be now read a second time.

On motion of the Hon. S. G. Wade, the debate was adjourned until next day of sitting.

19. Ordered - That the Council, at its rising, do adjourn until Tuesday, 30 October 2012, at fifteen minutes past two o’clock.

20. Council adjourned at thirty minutes past four o’clock until Tuesday, 30 October 2012, at fifteen minutes past two o’clock.

Members present during any part of the sitting:

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

TUESDAY 30 OCTOBER 2012

Notice of Motion: Government Business -

1. The Minister for Agriculture, Food and Fisheries to move - That this Council welcomes the Hon. K. J. Maher as a Member.

Orders of the Day: Government Business -


†*2. Work Health and Safety Bill (No. 13): in Committee - clause 1 - (September 6, 18).


*5. Criminal Law (Sentencing) (Supergrass) Amendment Bill (No. 80): adjourned debate on second reading - (September 4, October 18) - (The Hon. G. A. Kandelaars).


*7. Evidence (Reporting on Sexual Offences) Amendment Bill (No. 85): adjourned debate on second reading - (September 18, October 18) - (The Hon. G. A. Kandelaars).


11. Character Preservation (McLaren Vale) Bill (No. 54A): consideration in Committee of Message No. 87 from the House of Assembly.


†Restored to the Notice Paper pursuant to section 57 of the Constitution Act 1934.
*Received from House of Assembly.
WEDNESDAY 31 OCTOBER 2012

Notice of Motion: Private Business -


Orders of the Day: Private Business -

1. The Hon. J.M.A. Lensink to move - That she has leave to introduce a Bill for an Act to amend the National Parks and Wildlife Act 1972.

2. The Hon. R. L. Brokenshire to move - That this Council -
   I. Notes that Exxon Mobil, as current site owners, have elected not to continue operating a refinery at Port Stanvac in Adelaide’s south;
   II. Notes that as part of its exit from the site, Exxon Mobil plans to remove the significant jetty structure at the site due to the lack of interest from any other party taking responsibility for the jetty; and
   III. Calls upon the State Government to take responsibility for the jetty and promote a site master plan that develops the facility for tourist and recreational purposes for Adelaide’s south.

3. The Hon. R. L. Brokenshire to move - That this Council -
   I. Calls upon the State and Federal Governments to increase funding and support for mental health initiatives, including improved contribution towards the non-government sector; and
   II. That this Resolution be conveyed to the Federal Minister for Mental Health.

4. Evidence (Identification) Amendment Bill (No. 91): adjourned debate on second reading - (October 17) - (The Hon. S. G. Wade)3.


8. Adjourned debate on motion of the Hon. M. C. Parnell - That this Council -
   I. Notes the decision by SA Water to “mothball” the Adelaide desalination project;
   II. Calls on the Government to release -
      (a) the total annual cost of the plant in standby mode, including maintenance, staffing, equipment and all financial and interest costs; and
      (b) financial modelling on the total impact on residential water bills of the Adelaide Desalination Project (including all associated works such as the pipeline interconnector), including -
         i. how much has been recouped from SA Water customers so far; and
         ii. the expected date by which all capital costs for the desalination plant will be recouped - (October 17) - (The Hon. G. A. Kandelaars).

9. Adjourned debate on motion of the Hon. M. C. Parnell - That this Council -
   I. Welcomes the reports that GMH is considering plans to assemble up to 126 electric Holdens in South Australia; and
   II. Calls on the State Government to back the plan by setting electric car purchasing targets for the SA Government fleet - (October 17) - (The Hon. G. A. Kandelaars).

10. Adjourned debate on motion of the Hon. R. L. Brokenshire - That this Council calls upon the State Government to -
I. desist from reducing funding to the McLaren Vale and Districts War Memorial Hospital; and
II. abandon any plan to cut the Acute Referral Unit or any other emergency treatment or referral services at the Repatriation General Hospital - (September 19) - (The Hon. J. M. Gazzola).

11. Adjourned debate on motion of the Hon. J. M. Gazzola - That the Report of the Social Development Committee on an Inquiry into Food Safety Programs, be noted - (September 29) - (The Hon. T. J. Stephens).

12. Adjourned debate on motion of the Hon. J. M. Gazzola - That this Council -
   I. notes the magnificent achievements of the 2012 Australian Paralympic team;
   II. commends the team for its 85 medals and for placing 5th on the overall medal tally; and
   III. notes that with a global television audience of up to 3.8 billion people watching the London Paralympic Games, the Australian team has inspired us all and we are very proud of their performances - (September 19) - (The Hon. K. L. Vincent).


14. Adjourned debate on motion of the Hon. J. S. Lee - That this Council calls on the Minister for Mental Health and Substance Abuse and the State Government to address the failure in handling mental health patient, Mr. Damian Kay, by adopting the recommendations of the State Coroner, Mr. Mark Johns -
   I. That the Department of Health should ensure that training in the assessment of suicidal risk should be provided both to medical undergraduates and doctors working in Emergency Departments;
   II. That a junior doctor or a mental health nurse should not discharge a suicidal patient, particularly one brought in by Police under section 57(1)(c) of the Mental Health Act 2009 from an Emergency Department, without having sought advice from a senior medical colleague - either an Emergency Department senior registrar or consultant, or a psychiatric registrar or consultant on call;
   III. That a minimum set of information should be obtained before discharging a suicidal patient from the Emergency Department. It would also be appropriate wherever possible to obtain information both from family members and from current treatment doctors or other therapists. This sometimes might not be possible until the next day when an individual presents to the Emergency Department overnight; and
   IV. There should be assertive follow-up of suicidal patients. They should be offered by community mental health services, with expectations about timely face to face follow-up. Follow-up should be routinely offered to such patients and community mental health teams should be assertive and persistent in their attempts to see them face to face - (September 19) - (The Hon. C. Zollo).


17. Liquor Licensing (Entertainment) Amendment Bill (No. 81): adjourned debate on second reading - (September 5) - (The Hon. J.S.L. Dawkins).

18. Adjourned debate on motion of the Hon. T. A. Franks - That this Council calls on the Government to -
   I. Ensure existing Multiple Chemical Sensitivity (MCS) Guidelines for South Australian hospitals are implemented, promoted and monitored across all health service providers;
II. Ensure, as a priority, that disability access protocols for health care services to provide fragrance-free environments, including controls on the personal use of perfume and aftershave, are developed and implemented, to minimise any impediment to MCS patients accessing these facilities;

III. Implement procurement policies across the public service to mandate the use of fragrance-free cleaning products and reduce, or avoid altogether, the use of products, including building and renovation materials containing volatile organic compounds that may exacerbate MCS;

IV. Dedicate funding for a comprehensive medical information and education strategy on MCS for doctors, patients and the community, including local councils;

V. Work with Local Government to reduce and minimise, on a mandatory basis, the use of chemicals in the community such as herbicides like glyphosate that have been linked to MCS, particularly in areas where children may be inadvertently exposed, such as playgrounds and school yards.

VI. Ensure that the new Royal Adelaide Hospital incorporates some low volatile organic compound (VOC) and low electromagnetic radiation (EMR) rooms to accommodate MCS patients.

VII. Lobby the Federal Government to provide assistance for essential aides and items to assist sufferers in managing their conditions;

VIII. Place MCS on the Australian Health Minister’s Advisory Council agenda to ensure a coordinated national approach is taken to address the need for further research into MCS; and

IX. Ensure that all of the recommendations of the 2005 Social Development Committee Inquiry into MCS, and particularly those recommendations dealing with disability access that have been agreed, or agreed in principle by Government, are fully implemented and provide a report to this Council annually on the status of this until completed - (July 18) - (The Hon. G. A. Kandelaars).

19. Essential Services Commission (Electricity, Gas, Water and Sewerage Prices) Amendment Bill (No. 75): adjourned debate on second reading - (July 18) - (The Hon. T. J. Stephens)²⁶.

20. Adjourned debate on motion of the Hon. R. L. Brokenshire - That the Regulations under the Motor Vehicles Act 1959 concerning National Heavy Vehicles Registration Fees Increases, made on 31 May 2012 and laid on the Table of this Council on 13 June 2012, be disallowed - (July 18) - (The Hon. J. M. Gazzola).

21. Statutes Amendment (Electricity, Gas, Water and Sewerage Accounts) Bill (No. 76): adjourned debate on second reading - (July 18) - (The Hon. C. Zollo)²⁶.


23. Foreign Ownership of Land Bill (No. 78): adjourned debate on second reading - (July 18) - (The Hon. G. A. Kandelaars)²⁶.

24. The Hon. J.S.L. Dawkins to move - That this Council -
   I. Notes the very important work of Regional Development Australia (RDA) in South Australia;
   II. Condemns the State Labor Government for its withdrawal of core funding to the Regional Development Australia (RDA) entities beyond 30 June 2013; and
   III. Condemns the State Labor Government for its failure to fulfil its promise in the 2010-2011 Budget to assist the Regional Development Australia boards to find alternative funding.


26. Adjourned debate on motion of the Hon. D.G.E. Hood - That this Council calls on the Weatherill Government to -
   I. Postpone indefinitely the closure of the Cadell Ferry service until it has acted upon the further terms of this motion;
II. Release the cost benefit; family impact; and social and economic impact analysis that was conducted prior to the ferry closure decisions and, if such was not conducted, postpone any such decision until the same has been conducted; and

III. Consult and decide within a reasonable time frame on the future of the Cadell Ferry service in the Riverland.

To which the Hon. R. L. Brokenshire has moved to amend by leaving out all words after “That this Council” and inserting -

“I. Congratulates the Weatherill Labor Government for abandoning its decision to close the Cadell Ferry on 30 June 2012;

II. Condemns the Government for its failure to consult with the local community on the issue; and

III. Calls upon the Government to table in the Parliament its plans and past, present and projected expenditure on the ferries to ensure their continuation in service at Lyurp, Waikerie, Cadell, Morgan, Swan Reach, Walker Flat, Purnong, Mannum, Tailem Bend, Wellington and Narrung.”

Question - That the words proposed to be struck out stand - (June 27) - (The Hon. G. A. Kandelaars).

27. Statutes Amendment (Sex Work Reform) Bill (No. 65): adjourned debate on second reading - (June 13, July 18, October 17) - (The Hon. G. A. Kandelaars)12.

†28. Road Traffic (Owner Offences) Amendment Bill (No. 59): in Committee11.

29. Correctional Services (GPS Tracking for Child Sex Offenders) Amendment Bill (No. 60): adjourned debate on second reading - (May 30) - (The Hon. G. A. Kandelaars)3.

30. Evidence (Suppression Orders) Amendment Bill (No. 66): adjourned debate on second reading - (June 13) - (Minister for Communities and Social Inclusion)3.

31. Adjourner debate on motion of the Hon. A. M. Bressington - That this Council recognises the valuable work and outcomes achieved by the DrugBeat Program of South Australia in Elizabeth Grove over the last 14 years and that this Program -

I. was the first to develop a painless and humane detoxification process for opiate addiction and methadone;

II. was the first to use Naltrexone in a therapeutic situation for opiate addiction;

III. was the first to recognise the need for a structured and sequential recovery programme for addicts;

IV. was the first to recognise the need to include family in the recovery process;

V. was the first to develop a pro-active parenting program for recovered addicts to break the generational cycle of addiction; and

VI. fulfilled all three objectives of the harm minimisation policy, those being to reduce the harm, reduce the demand and reduce the supply of illicit drugs - (May 16, 30, June 27) - (The Hon. T. J. Stephens).

32. The Hon. R. L. Brokenshire to move - That the Regulations under the Motor Vehicles Act 1959 concerning Penalty Fee Increases, made on 12 April 2012 and laid on the Table of this Council on 1 May 2012, be disallowed.

33. Disability (Mandatory Reporting) Bill (No. 61): adjourned debate on second reading - (May 30) - (The Hon. J. M. Gazzola)7.

34. Genetically Modified Crops Management (Right to Damages) Amendment Bill (No. 48): adjourned debate on second reading - (May 2) - (The Hon. J. M. Gazzola)9.

†Restored to the Notice Paper pursuant to section 57 of the Constitution Act 1934.
35. Disability Services (Miscellaneous) Amendment Bill (No. 40): adjourned debate on second reading - (April 4) - (The Hon. G. A. Kandelaars)⁷.

36. Crown Land Management (Life Lease Sites) Amendment Bill (No. 49): adjourned debate on second reading - (May 2) - (The Hon. J. M. Gazzola)¹⁰.

37. Food (Labelling of Free-range Eggs) Amendment Bill (No. 41): adjourned debate on second reading - (April 4) - (The Hon. J. S. Lee)⁵.

38. Births, Deaths and Marriages Registration (Registration of Still-Births) Amendment Bill (No. 37): adjourned debate on second reading - (March 28) - (The Hon. C. Zollo)⁵.

39. Criminal Law (Sentencing) (Mandatory Imprisonment of Child Sex Offenders) Amendment Bill (No. 42): adjourned debate on second reading - (April 4) - (The Hon. S. G. Wade)⁵.


41. Workers Rehabilitation and Compensation (Retirement Age) Amendment Bill (No. 44): adjourned debate on second reading - (April 4) - (The Hon. J. M. Gazzola)⁵.

42. Adjourned debate on motion of the Hon. J.M.A. Lensink - That this Council condemns the State Government for its 10 years of failure to stem the extraordinary flow of young people leaving South Australia for study, career and lifestyle opportunities interstate - (March 28, May 2) - (The Hon. G. A. Kandelaars).

43. Right to Farm Bill (No. 29): adjourned debate on second reading - (March 14, 28) - (The Hon. G. A. Kandelaars)⁴.

44. Adjourned debate on motion of the Hon. S. G. Wade - That this Council -
   I. Considers that the legal system has failed to effectively deal with the conduct of Mr. Eugene McGee in relation to the death of Mr. Ian Humphrey on 30 November 2003 and that public confidence in the legal system has suffered as a result.
   II. Calls on the Attorney-General to exercise his powers under the Legal Practitioners Act 1981 to refer Mr. McGee to the Legal Practitioners Disciplinary Tribunal to consider whether his behaviour constitutes unprofessional or unsatisfactory conduct - (February 29) - (The Hon. G. A. Kandelaars).

†45. Independent Commission Against Corruption Bill (No. 3): in Committee³.

46. Subordinate Legislation (Miscellaneous) Amendment Bill (No. 4): adjourned debate on second reading - (February 15) - (The Hon. J. M. Gazzola)³.

47. Summary Offences (Use of Public Address Systems) Amendment Bill (No. 5): adjourned debate on second reading - (February 15) - (The Hon. J. M. Gazzola)³.


49. The Hon. D. W. Ridgway to move - That this Council calls on the Government to develop an Abundant Native Species Management Plan, noting the effects of the rapidly increasing numbers of the New Zealand Fur Seals on the South Australian marine life and the environment.

†Restored to the Notice Paper pursuant to section 57 of the Constitution Act 1934.

51. South Australian Housing Trust (Miscellaneous) Amendment Bill (No. 6): adjourned debate on second reading - (February 15) - (The Hon. B. V. Finnigan)4.

52. Marriage Equality Bill (No. 7): adjourned debate on second reading - (March 28, May 16, October 17) - (The Hon. C. Zollo)5.


54. Adjourned debate on motion of the Hon. T. J. Stephens - That this Council - I. Recognises - (a) That Adelaide United Football Club represents Adelaide and South Australia in a national sporting competition; (b) That Adelaide United Football Club represents Adelaide and South Australia in an international sporting competition outside of our national league; (c) The social, health and economic benefits that Adelaide United Football Club contribute to our State; and II. Condemns the State Labor Government for its current lack of support for Adelaide United Football Club. To which the Hon. C. Zollo has moved to amend by leaving out Paragraph II and inserting - “II. Recognises the State Labor Government for its support for Adelaide United Football Club.” Question - That the words proposed to be struck out stand - (September 5, 20) - (The Hon. J. M. Gazzola).

THURSDAY 13 NOVEMBER 2012

Notice of Motion: Government Business -

1. The Minister for Communities and Social Inclusion to move - That this Council requests His Excellency The Governor to make a proclamation under section 28(2) of the National Parks and Wildlife Act 1972 excluding Section 496, Out of Hundreds (Nullarbor) from the Nullarbor National Park.

WEDNESDAY 28 NOVEMBER 2012

Orders of the Day: Private Business -

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

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

3. Select Committee on Department for Correctional Services: Report to be brought up.

*Received from House of Assembly.
4. Select Committee on Marine Parks in South Australia: Report to be brought up.

5. Select Committee on The Inquiry into Corporation of the City of Burnside: Report to be brought up.

6. Select Committee on Access to and Interaction with the South Australian Justice System for People with Disabilities: Report to be brought up.

7. Select Committee on School Bus Contracts: Report to be brought up.

8. Select Committee on Land Uses on LeFevre Peninsula: Report to be brought up.

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

10. Select Committee on Wind Farm Developments in South Australia: Report to be brought up.

11. Select Committee on Community Safety and Emergency Services in South Australia: Report to be brought up.

Contingent Notice of Motion -

1. Contingently, on the second reading of any Bill being moved, or on any Bill being reported, the Minister for Agriculture, Food and Fisheries 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. I. K. Hunter
2Hon. A. M. Bressington
3Hon. S. G. Wade
4Hon. R. L. Brokenshire
5Hon. T. A. Franks
6Hon. D.G.E. Hood
7Hon. K. L. Vincent
8Hon. J.S.L. Dawkins
9Hon. M. C. Parnell
10Hon. J.M.A. Lensink
11Hon. D. W. Ridgway
12Hon. G. E. Gago
13Hon. C. Zollo