

SOUTH AUSTRALIA]

No. 77

**MINUTES OF THE PROCEEDINGS**

OF THE

**LEGISLATIVE COUNCIL**

---

**THURSDAY 23 JUNE 2016**

1. Council met pursuant to adjournment. The President (The Hon. R. P. Wortley) took the Chair. Meeting of Council.  
The President read prayers.
2. The Minister for Employment (The Hon. K. J. Maher), by leave, without notice, moved - That the sitting of the Council be not suspended during the continuation of the Conference on the Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Bill. Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Bill.  
Question put and passed.
3. The following Papers were laid upon the Table, viz.: Papers.  
By the Minister for Employment, on behalf of the Minister for Sustainability, Environment and Conservation (The Hon. I. K. Hunter) -  
Reports, 2014-2015 -  
Adelaide Hills Wine Industry Fund.  
Apiary Industry Fund.  
Barossa Wine Industry Fund.  
Cattle Industry Fund.  
Citrus Growers Fund.  
Clare Valley Wine Industry Fund.  
Deer Industry Fund.  
Eyre Peninsula Grain Growers Rail Fund.  
Grain Industry Fund.  
Grain Industry Research and Development Fund.  
Langhorne Creek Wine Industry Fund.  
McLaren Vale Wine Industry Fund.  
Pig Industry Fund.  
Riverland Wine Industry Fund.  
SA Rock Lobster Fishing Industry Fund.  
Sheep Industry Fund.  
South Australian Grape Growers Wine Industry Fund.  
Windmill Theatre.
4. The Minister for Employment tabled a copy of a Ministerial Statement made by the Minister for Agriculture, Food and Fisheries (The Hon. L. W. K. Bignell, M.P.) concerning South East Forestry Partnerships Program. Ministerial Statement Tabled.

Postponement  
of Business.

5. Ordered - That Orders of the Day (Government Business) No. 1 to No. 11 be postponed and taken into consideration after Order of the Day (Government Business) No. 12.

Summary Offences  
(Filming and  
Sexting Offences)  
Amendment Bill.

6. The Council, according to order, resolved itself into a Committee of the Whole for the consideration of the Summary Offences (Filming and Sexting Offences) Amendment Bill.

#### In the Committee

Clauses No. 1 to No. 4 agreed to.

Clause No. 5 amended and agreed to.

Clause No. 6 read.

The Hon. A. L. McLachlan moved on page 3, after line 31, to insert the following:

“(2) Section 26B(9), definitions of *broadcasting*, *media organisation* and *publish*—delete the definitions and substitute:

*media organisation* means an organisation whose activities consist of or include the collection, preparation for dissemination or dissemination of the following material for the purpose of making it available to the public:

- (a) material having the character of news, current affairs, information or a documentary;
- (b) material consisting of commentary or opinion on, or analysis of, news, current affairs, information or a documentary;”.

Question - That the amendment be agreed to - put.

Committee divided:

Ayes, 10

The Hon. J. A. Darley

The Hon. J.S.L. Dawkins

The Hon. T. A. Franks

The Hon. J. S. Lee

The Hon. R. I. Lucas

The Hon. M. C. Parnell

The Hon. D. W. Ridgway

The Hon. T. J. Stephens

The Hon. S. G. Wade

The Hon. A. L. McLachlan (Teller)

Noes, 9

The Hon. R. L. Brokenshire

The Hon. G. E. Gago

The Hon. J. M. Gazzola

The Hon. D.G.E. Hood

The Hon. G. A. Kandelaars

The Hon. K. J. Maher

The Hon. T. T. Ngo

The Hon. K. L. Vincent

The Hon. P. B. Malinauskas (Teller)

So it was resolved in the affirmative.

Clause No. 6, as amended, agreed to.

Clause No. 7 amended and agreed to.

Clause No. 8 amended and agreed to.

Clause No. 9 amended and agreed to.

Clause No. 10 agreed to.

Title agreed to.

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

The Minister for Police, pursuant to contingent notice, moved - That the Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay.

Question put and passed.

Bill read a third time.

Resolved - That this Bill do now pass.

Postponement  
of Business.

7. Ordered - That Orders of the Day (Government Business) No. 1 to No. 10 be postponed and taken into consideration after Order of the Day (Government Business) No. 11.

8. On the Order of the Day being read for the adjourned debate on the question - That the Mental Health (Review) Amendment Bill be now read a second time: Mental Health  
(Review)  
Amendment Bill.  
 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 next day of sitting.
9. Ordered - That Orders of the Day (Government Business) No. 1 to No. 2 be postponed and taken into consideration after Order of the Day (Government Business) No. 3. Postponement  
of Business.
10. The Council, according to order, resolved itself into a Committee of the Whole for the further consideration of the Summary Offences (Biometric Identification) Amendment Bill. Summary Offences  
(Biometric  
Identification)  
Amendment Bill.

### In the Committee

Clause No. 1 further considered and agreed to.

Clauses No. 2 and No. 3 agreed to.

Clause No. 4 read.

The Hon. A. L. McLachlan moved on page 2, after line 25, to insert the following:

“(2a) Section 74A—after subsection (2) insert:

- (2a) Despite subsection (1), a police officer may only require a person to submit to a biometric identification procedure under subsection (1)(d) if—
- (a) the person has refused or failed to comply with a requirement under subsection (1)(c) to state all or any of the person's personal details; or
  - (b) after requiring the production of evidence by the person under subsection (2), the officer is not reasonably satisfied as to the identity of the person.
- (2b) Before a biometric identification procedure is carried out in respect of a person, a police officer must inform the person of the following matters:
- (a) that the police officer is exercising a power under this section;
  - (b) the grounds on which the person is required to submit to the biometric identification procedure;
  - (c) the manner in which the procedure will be conducted and what directions may be given to the person for the purposes of the procedure;
  - (d) that any biometric data obtained from the person may only be retained for the purposes of conducting the procedure;
  - (e) the right of the person under this section to request confirmation from the Commissioner relating to the non-retention of the biometric data under subsection (4c).”.

Question - That the amendment be agreed to - put.

Committee divided:

Ayes, 10

The Hon. J. A. Darley  
 The Hon. J.S.L. Dawkins  
 The Hon. T. A. Franks  
 The Hon. R. I. Lucas  
 The Hon. M. C. Parnell  
 The Hon. D. W. Ridgway  
 The Hon. T. J. Stephens  
 The Hon. K. L. Vincent  
 The Hon. S. G. Wade  
 The Hon. A. L. McLachlan (Teller)

Noes, 7

The Hon. G. E. Gago  
 The Hon. J. M. Gazzola  
 The Hon. D.G.E. Hood  
 The Hon. G. A. Kandelaars  
 The Hon. K. J. Maher  
 The Hon. T. T. Ngo  
 The Hon. P. B. Malinauskas (Teller)

So it was resolved in the affirmative.

Clause No. 4 as amended, and otherwise amended, agreed to.  
Title agreed to.

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

The Minister for Police, pursuant to contingent notice, moved - That the Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay.

Question put and passed.

Bill read a third time.

Resolved - That this Bill do now pass.

Messages from  
House of Assembly:  
Justices of the Peace  
(Miscellaneous)  
Amendment Bill.

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

Message No. 135

MR. PRESIDENT - The House of Assembly has passed the Bill transmitted herewith entitled a Bill for an Act to amend the Justices of the Peace Act 2005, to which it desires the concurrence of the Legislative Council.

House of Assembly, 23 June 2016.

F. E. BEDFORD, Deputy Speaker.

Bill read a first time.

Ordered - That the second reading be an Order of the Day for next day of sitting.

Message No. 136

MR. PRESIDENT - The House of Assembly has passed the Bill transmitted herewith entitled a Bill for an Act to amend the Summary Procedure Act 1921 and to make related amendments to the Acts Interpretation Act 1915, to which it desires the concurrence of the Legislative Council.

House of Assembly, 23 June 2016.

F. E. BEDFORD, Deputy Speaker.

Bill read a first time.

Ordered - That the second reading be an Order of the Day for next day of sitting.

Postponement  
of Business.

12. Ordered - That Orders of the Day (Government Business) No. 1 and No. 2, No. 4 to No. 10 and No. 13 to No. 16 be Orders of the Day for next day of sitting.

ASER (Restructure)  
(Facilitation of  
Riverbank  
Development)  
Amendment Bill.

13. The Minister for Police, according to order, moved - That the ASER (Restructure) (Facilitation of Riverbank Development) Amendment Bill be now read a second time.

On motion of the Hon. T. J. Stephens, the debate was adjourned until next day of sitting.

Statutes Amendment  
(Electricity and Gas)  
Bill.

14. The Minister for Employment, according to order, moved - That the Statutes Amendment (Electricity and Gas) Bill be now read a second time.

On motion of the Hon. T. J. Stephens, the debate was adjourned until next day of sitting.

Residential  
Tenancies  
(Miscellaneous)  
Amendment Bill.

15. The Minister for Police, according to order, moved - That the Residential Tenancies (Miscellaneous) Amendment Bill be now read a second time.

On motion of the Hon. T. J. Stephens, the debate was adjourned until next day of sitting.

Postponement  
of Business.

16. Ordered - That Order of the Day (Government Business) No. 20 be an Order of the Day for next day of sitting.

Next Day of Sitting.

17. Ordered - That the Council, at its rising, do adjourn until Tuesday, 5 July 2016, at fifteen minutes past two o'clock.

Adjournment.

18. Council adjourned at seven minutes to six o'clock until Tuesday, 5 July 2016, at fifteen minutes past two o'clock.

## Members present during any part of the sitting:

The Hon. R. L. Brokenshire	The Hon. G. A. Kandelaars	The Hon. T. T. Ngo
The Hon. J. A. Darley	The Hon. J. S. Lee	The Hon. M. C. Parnell
The Hon. J.S.L. Dawkins	The Hon. J.M.A. Lensink	The Hon. D. W. Ridgway
The Hon. T. A. Franks	The Hon. R. I. Lucas	The Hon. T. J. Stephens
The Hon. G. E. Gago	The Hon. K. J. Maher	The Hon. K. L. Vincent
The Hon. J. M. Gazzola	The Hon. P. B. Malinauskas	The Hon. S. G. Wade
The Hon. D.G.E. Hood	The Hon. A. L. McLachlan	

## NOTICES AND ORDERS OF THE DAY

---

**TUESDAY 5 JULY 2016**

### Orders of the Day: Government Business -

- †\*1. Child Development and Wellbeing Bill (No. 7): in Committee.
- ††\*2. Parliamentary Committees (Electoral Laws and Practices Committee) Amendment Bill (No. 14): consideration in Committee of Message No. 7 from the House of Assembly.
- \*3. Southern State Superannuation (Parental Leave) Amendment Bill (No. 104): in Committee - clause 1 - (March 22).
- \*4. Constitution (Appropriation and Supply) Amendment Bill (No. 105): adjourned debate on second reading - (March 9, June 7, 21) - (The Hon. J. M. Gazzola).
- \*5. Constitution (Deadlocks) Amendment Bill (No. 106): adjourned debate on second reading - (March 9) - (The Hon. D. W. Ridgway).
- \*6. Housing Improvement Bill (No. 107): adjourned debate on second reading - (March 10, May 17, 19) - (The Hon. J.S.L. Dawkins).
- \*7. Referendum (Appropriation and Supply) Bill (No. 108): adjourned debate on second reading - (March 9) - (The Hon. D. W. Ridgway).
- \*8. Referendum (Deadlocks) Bill (No. 109): adjourned debate on second reading - (March 9) - (The Hon. D. W. Ridgway).
- \*9. Statutes Amendment (Gender Identity and Equity) Bill (No. 111): in Committee.
- \*10. Mental Health (Review) Amendment Bill (No. 116): in Committee.
- \*11. Retirement Villages Bill (No. 127): adjourned debate on second reading - (May 26, June 21) - (The Hon. G. A. Kandelaars).
- \*12. Dog and Cat Management (Miscellaneous) Amendment Bill (No. 80A): consideration in Committee of Message No. 124 from the House of Assembly.
- 13. Judicial Administration (Auxiliary Appointments and Powers) (Qualification for Appointment) Amendment Bill (No. 129): adjourned debate on second reading - (June 9) - (The Hon. D. W. Ridgway).
- \*14. Notaries Public Bill (No. 130): adjourned debate on second reading - (June 9) - (The Hon. D. W. Ridgway).
- \*15. ASER (Restructure) (Facilitation of Riverbank Development) Amendment Bill (No. 132): adjourned debate on second reading - (June 23) - (The Hon. T. J. Stephens).
- \*16. Statutes Amendment (Electricity and Gas) Bill (No. 133): adjourned debate on second reading - (June 23) - (The Hon. T. J. Stephens).
- \*17. Residential Tenancies (Miscellaneous) Amendment Bill (No. 134): adjourned debate on second reading - (June 23) - (The Hon. T. J. Stephens).

18. Anangu Pitjantjatjara Yankunytjatjara Land Rights (Miscellaneous) Amendment Bill (No. 137): adjourned debate on second reading - (June 22) - (The Hon. J.S.L. Dawkins),
- \*19. Justices of the Peace (Miscellaneous) Amendment Bill (No. 138): second reading.
- \*20. Summary Procedure (Abolition of Complaints) Amendment Bill (No. 139): second reading.

---

**WEDNESDAY 6 JULY 2016**

**Orders of the Day: Private Business -**

1. Select Committee on Statutory Child Protection and Care in South Australia: Report to be brought up.
2. Select Committee on State Government Owned Land at Gillman: Report to be brought up.
3. Select Committee on Electoral Matters in South Australia: Report to be brought up.
4. Budget and Finance Committee: Report to be brought up.
5. Select Committee on Emergency Services Reform: Report to be brought up.
6. Select Committee on Skills for All Program: Report to be brought up.
7. Select Committee on Access to the South Australian Education System for Students with Disabilities: Report to be brought up.
8. Select Committee on State Government's O-Bahn Access Project: Report to be brought up.
9. Select Committee on Compulsory Acquisition of Properties for North-South Corridor Upgrade: Report to be brought up.
10. Statutes Amendment (Decriminalisation of Sex Work) Bill (No. 44): Report of Select Committee to be brought up.
11. Select Committee on Transforming Health: Report to be brought up.
12. Select Committee on Chemotherapy Dosing Errors: Report to be brought up.
13. The Hon. S. G. Wade to move - That the Third Interim Report of the Select Committee on Transforming Health, be noted.
14. Adjourned debate on motion of the Hon. G. A. Kandelaars - That this Council -
  - I. Expresses its heartfelt condolences to the families and friends of the victims of the recent horrific mass shooting in Orlando, Florida; and
  - II. Stands together with the LGBTIQ community around the world to condemn such a senseless act of violence and denounce all forms of discrimination that may contribute to such hatred - (June 22) - (The Hon. J.S.L. Dawkins).
15. The Hon. G. E. Gago to move - That this Council congratulates Jared Tallent on rightfully being awarded a gold medal for the 50 km Walk from the 2012 London Olympics.
16. Steel Industry Protection Bill (No. 135): adjourned debate on second reading - (June 22) - (The Hon. J. M. Gazzola)<sup>6</sup>.

17. Natural Resources Management (Transparency of Ministers Directions) Amendment Bill (No. 136): adjourned debate on second reading - (June 22) - (The Hon. G. A. Kandelaars)<sup>1</sup>.
18. The Hon. D.G.E. Hood to move - That he have leave to introduce a Bill for an Act to amend the Children's Protection Act 1993.
19. The Hon. T. T. Ngo to move - That this Council wishes all Australian athletes every success in competing in the Olympic and Paralympic Games in Rio, and in particular, the South Australian athletes.
20. The Hon. K. L. Vincent to move - That this Council -
- I. Notes that following the introduction of regulations allowing cycling on footpaths for all bicycle users on 25 October 2015, some sectors in the community, particularly people with vision impairment and blindness, feel vulnerable as they go about their daily routine;
  - II. Notes that people with low vision or blindness, or who are hard of hearing or deaf, may be particularly at risk of injury and accident as they may not see nor hear cyclists approaching, especially if cyclists are doing so in an unsafe manner;
  - III. Notes that while statistics do not currently support the assertion that pedestrians on footpaths are at higher risk of injury following the change in regulations, the significant divide in community attitude towards these new regulations could see them fail without proper leadership from Government;
  - IV. Calls on the State Government to fund a more comprehensive education campaign about the changes to cycling regulations and includes information on sharing the road, shared pathways and footpaths, including recognition of commuters who are at higher risk, including people using mobility aids, people with sensory disabilities, elderly people, young children and those who may be distracted while using technology;
  - V. Calls for this campaign to include education of drivers, cyclists and pedestrians, acknowledging that we are all human beings and that we all have rights and responsibilities to our fellow citizens as we proceed about our daily lives;
  - VI. Calls on all local, State and Federal Government funded road safety initiatives and bodies in South Australia to include education about the new cycling regulations and the diversity of the community using our roads and footpaths; and
  - VII. Calls on creators to ensure any education campaigns are provided in accessible formats including, but not limited to, audio description, captioning, AUSLAN interpretation and Easy English.
21. Adjourned debate on motion of the Hon. J.S.L. Dawkins - That the Report of the Natural Resources Committee on Natural Resources South Australia Business Plans and Regional Levies, 2016-2017, be noted - (June 8, 22) - (The Hon. D. W. Ridgway).
22. Health Care (Privacy and Confidentiality) Amendment Bill (No. 131): adjourned debate on second reading - (June 8) - (The Hon. T. A. Franks)<sup>12</sup>.
23. Adjourned debate on motion of the Hon. T. A. Franks - That this Council -
- I. Congratulates the Parliament of Victoria on its formal apology for previous laws against homosexual acts made on 24 May 2016; and
  - II. Calls on the South Australian Government to formally apologise for laws that criminalised homosexuality in the State, acknowledging these laws validated hateful views, ruined people's lives and forced South Australians to suffer in fear, silence and isolation - (June 8) - (The Hon. T. J. Stephens).
24. Adjourned debate on motion of the Hon. T. A. Franks - That this Council -
- I. Congratulates Diamond House Clubhouse for celebrating its 20th Birthday in May 2016;
  - II. Recognises the significant work of Diamond House Clubhouse in supporting people who have lived experience of mental illness; and
  - III. Recognises the important role of Diamond House Clubhouse as a safe place to belong, work and return and the important work it has achieved in providing programs and services in our community for the past 20 years - (June 8) - (The Hon. S. G. Wade).



25. Adjourned debate on motion of the Hon. T. A. Franks -
- I. That a Select Committee of the Legislative Council be established to inquire into -
    - (a) The potential impacts on injured workers and their families as a result of changes to the Return to Work Act including tightening of the eligibility criteria for entry into the Return to Work Scheme;
    - (b) Alternatives to the overly restrictive 30% WPI threshold for ongoing entitlements to weekly payments;
    - (c) The current restrictions on medical entitlements for injured workers;
    - (d) Potentially adverse impacts of the current two year entitlements to weekly payments;
    - (e) The restriction on accessing common law remedies for injured workers with a less than 30% WPI;
    - (f) Matters relating to and the impacts of assessing accumulative injuries;
    - (g) The obligations on employers to provide suitable alternative employment for injured workers
    - (h) The impact of transitional provisions under the Return to Work Act 2014;
    - (i) Workers compensation in other Australian jurisdictions which may be relevant to the inquiry, including examination of the thresholds imposed in other states
    - (j) The adverse impacts of the injury scale value; and
    - (k) Any other relevant 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 - (May 25) - (The Hon. J. M. Gazzola).
26. Adjourned debate on motion of the Hon. T. J. Stephens - That this Council congratulates Adelaide United Football Club for claiming the A-League Premiership and Championship in Season 2015-16 - (May 25) - (The Hon. J. M. Gazzola).
27. Water Industry (Compensation for Loss or Damage) Amendment Bill (No. 126): adjourned debate on second reading - (May 2, June 22) - (The Hon. G. A. Kandelaars)<sup>7</sup>.
28. Adjourned debate on motion of the Hon. T. A. Franks - That this Council -
- I. Notes the February 2016 passage of the federal Narcotic Drugs Amendment Bill 2016 enabling a national licensing scheme for the controlled cultivation across Australia of cannabis for medicinal and scientific purposes;
  - II. Notes the April 2016 passage of the Access to Medicinal Cannabis Bill 2015 through the Victorian Parliament which will establish an Office of Medicinal Cannabis and give patients in that state legal, safe and secure access to medical cannabis to those in need;
  - III. Notes medical cannabis law reform could offer both local job opportunities and would ensure that South Australians are no longer forced to choose between suffering needlessly and breaking the law to access medicinal cannabis; and
  - IV. Calls on the South Australian Government to take action on medical cannabis to allow for the production and supply from the farm to the pharmacy - (May 18) - (The Hon. T. J. Stephens).
29. Adjourned debate on motion of the Hon. M. C. Parnell - That the Regulations under the Development Act 1993 concerning SA Motorsport Park, made on 28 April 2016 and laid on the Table of this Council on 17 May 2016, be disallowed - (June 8) - (The Hon. D. W. Ridgway).
30. Adjourned debate on motion of the Hon. M. C. Parnell - That the Regulations under the Native Vegetation Act 1991 concerning SA Motorsport Park, made on 28 April 2016 and laid on the Table of this Council on 17 May 2016, be disallowed - (June 8) - (The Hon. T. J. Stephens).
31. Animal Welfare (Miscellaneous) Amendment Bill (No. 124): adjourned debate on second reading - (May 18) - (The Hon. T. J. Stephens)<sup>5</sup>.

32. Adjourned debate on motion of the Hon. G. A. Kandelaars - That the Report of the Legislative Review Committee into the Sexual Reassignment Repeal Bill 2014, be noted - (April 13) - (The Hon. A. L. McLachlan).
33. Adjourned debate on motion of the Hon. G. E. Gago - That the Report of the Social Development Committee into Domestic and Family Violence, be noted - (April 13, May 18) - (The Hon. T. T. Ngo).
34. Surveillance Devices (Animal Welfare) Amendment Bill (No. 117): adjourned debate on second reading - (April 13) - (The Hon. S. G. Wade)<sup>5</sup>.
35. Adjourned debate on motion of the Hon. J. S. Lee - That this Council -
- I. Congratulates the Chinese Welfare Services of South Australia Inc. for celebrating its 25th anniversary in 2016;
  - II. Acknowledges the work and commitment of the committee, staff and volunteers of Chinese Welfare Services for delivering important services to its members and the broader Chinese community of South Australia; and
  - III. Recognises the importance of their contributions in developing tailored programs and strategic partnerships that are socially inclusive and beneficial to members of the diverse Chinese community residing in South Australia - (June 8, 22) - (The Hon. J.S.L. Dawkins).
36. Adjourned debate on motion of the Hon. J. S. Lee - That this Council -
- I. Congratulates Flinders University for celebrating its 50th Anniversary in 2016;
  - II. Highlights the contributions made by Flinders University and its alumni throughout its 50-year history; and
  - III. Acknowledges the significant establishment and achievements of the University in South Australia, nationally and on the global stage - (May 25) - (The Hon. G. A. Kandelaars).
37. Adjourned debate on motion of the Hon. K. L. Vincent - That this Council -
- I. Notes the passing on 6 April 2016 of child protection advocate, Emeritus Professor Dr. Freda Briggs, AO;
  - II. Recognises the extraordinary body of work Dr. Briggs undertook to become an expert in the field of child protection;
  - III. Recognises the role Dr. Briggs played into her 86th year of life working towards the welfare and safety of children; and
  - IV. Calls on the South Australian Government to establish a research scholarship in Freda Briggs' name at the Australian Centre for Child Protection to honour her name and her dedication to this work - (May 18) - (The Hon. T. T. Ngo).
38. The Hon. J. S. Lee to move - That this Council -
- I. Acknowledges that Australia is ready for pulses to take centre stage in 2016 in the United Nations declared International Year of Pulses;
  - II. Recognises that Australia is now a major player in the global pulse market and one of the world's largest exporters of pulses;
  - III. Highlights the importance of pulses within the South Australia's agricultural industry; and
  - IV. Raises public awareness of the nutritional benefits of pulses as part of sustainable food production aimed towards food security and nutrition.
39. The Hon. J. S. Lee to move - That this Council -
- I. Congratulates the Indian Australia Association of South Australia for celebrating its 50th anniversary;
  - II. Acknowledges the commitment of the Association's committee and volunteers, past and present, for continuously showcasing the vibrant Indian culture in South Australia;
  - III. Recognises the importance of its establishment and achievements over the last 50 years in the promotion and preservation of Indian heritage and for enriching the multicultural landscape of South Australia; and
  - IV. Acknowledges the economic, social and cultural contributions by the Indian community in South Australia.

40. Adjourned debate on motion of the Hon. S. G. Wade - That the Second Interim Report of the Select Committee on Transforming Health be noted - (May 25) - (The Hon. J.S.L. Dawkins).
41. Adjourned debate on motion of the Hon. G. A. Kandelaars - That the Interim Report of the Legislative Review Committee on the Review of the Report of the Committee into the Partial Defence of Provocation, be noted - (March 9) - (The Hon. J. M. Gazzola).
42. The Hon. J. S. Lee to move - That this Council -
- I. Congratulates the University of South Australia for celebrating its 25th Anniversary in 2016;
  - II. Acknowledges the significant contribution made by the University of South Australia throughout its 25 year history; and
  - III. Highlights the remarkable achievements and significant impact the University of South Australia has made for South Australia, both nationally and internationally.
43. Births, Deaths and Marriages Registration (Recognition of Same Sex Marital Status) Amendment Bill (No. 110): adjourned debate on second reading - (March 9) - (The Hon. G. A. Kandelaars)<sup>5</sup>.
44. Adjourned debate on motion of the Hon. J. M. Gazzola - That the Report of the Statutory Authorities Review Committee on its Inquiry into the Environment Protection Authority's Management of Contamination at Clovelly Park and Mitchell Park, be noted - (February 24) - (The Hon. T. J. Stephens).
45. Criminal Law Consolidation (Assaults Causing Death) Amendment Bill (No. 101): adjourned debate on second reading - (February 24) - (The Hon. J. A. Darley)<sup>7</sup>.
46. Adjourned debate on motion of the Hon. T. A. Franks - That this Council -
- I. Notes that an open letter dated 27 January 2016 from the Mental Health Coalition of South Australia addressed to the Premier and signed by 21 not-for-profit organisations and service providers outlines three urgent mental health priorities for South Australia;
  - II. Supports, in particular, the sector's call for the South Australian Government to "urgently redress the human rights deficit" for people with Borderline Personality Disorder (BPD) by implementing the recommendations outlined in the SA Department of Health and Ageing's Report on BPD, published in June 2014; and
  - III. Calls on the Weatherill Labor Government to urgently act on the priorities for mental health cited in the letter - (February 24) - (The Hon. T. J. Stephens).
47. Adjourned debate on motion of the Hon. T. J. Stephens - That this Council -
- I. Celebrates the outstanding 25 year career of South Australian international cricket umpire Steve Davis, upon his retirement in June;
  - II. Acknowledges Steve Davis's commitment to cricket in which he umpired 57 Test Matches, 137 One Day Internationals and 26 T20 Internationals; and
  - III. Recognises the important role played by umpires, officials and volunteers in grassroots, State, National and International sport - (April 13) - (The Hon. S. G. Wade).
48. Adjourned debate on motion of the Hon. T. J. Stephens - That this Council -
- I. Congratulates the Socceroos on their 2015 Asian Cup title victory; and
  - II. Urges the State Government to make a concerted effort to host Asian Cup matches in South Australia when the tournament is next played in Australia - (May 25) - (The Hon. J.S.L. Dawkins).
49. Residential Tenancies (Databases) Amendment Bill (No. 97): adjourned debate on second reading - (December 9) - (The Hon. J. M. Gazzola)<sup>3</sup>.
50. Adjourned debate on motion of the Hon. M. C. Parnell - That this Council -
- I. Congratulates Solar Citizens on its campaign to protect households with solar panels from discriminatory pricing structures sought to be imposed by power utilities; and
  - II. Calls on the State Government to ensure that South Australians who embrace solar power will not be unfairly treated for doing their bit to protect the Earth's climate - (December 9, March 23) - (The Hon. T. T. Ngo).

51. Adjourned debate on motion of the Hon. M. C. Parnell - That this Council urges the State Government to support the Mount Lofty Ranges Working Agricultural Landscape World Heritage Bid spanning the world-renowned food, wine and tourism regions of the Barossa Valley, Adelaide Hills, McLaren Vale and Fleurieu Peninsula - (December 9) - (The Hon. M. C. Parnell).
52. Criminal Law Consolidation (Supervision Requirements) Amendment Bill (No. 98): adjourned debate on second reading - (December 9) - (The Hon. J. A. Darley)<sup>9</sup>.
53. Controlled Substances (Mandatory Treatment Orders) Amendment Bill (No. 99): adjourned debate on second reading - (December 9) - (The Hon. J. A. Darley)<sup>9</sup>.
54. Adjourned debate on motion of the Hon. S. G. Wade - That the Interim Report of the Select Committee on Transforming Health be noted - (December 2) - (The Hon. T. A. Franks).
55. Adjourned debate on motion of the Hon. J.M.A. Lensink - That this Council urges the Attorney-General to -
- I. Refer the death of Graziella Dailler, who died on or about 15 May 2014, to the Coroner for a Coronial Inquest; and
  - II. Request an inquiry into all the circumstances leading up to Graziella Dailler's death, including but not limited to -
    - (a) ascertaining the actual date of death;
    - (b) identifying the cause of death;
    - (c) identifying the circumstances of the alleged killing by Don Muir and his death;
    - (d) identification and assessment of the involvement of agencies, including SA Police, prior to the deaths;
    - (e) identification and assessment of the response of agencies, including SA Police, after receiving notification that Graziella Dailler was missing and at risk of harm; and
    - (f) any other circumstance that contributed to the death of Graziella Dailler - (October 14) - (The Hon. J. M. Gazzola).
56. Adjourned debate on motion of the Hon. S. G. Wade - That the Interim Report of the Select Committee on Statutory Child Protection and Care in South Australia, be noted - (October 28) - (The Hon. K. L. Vincent).
57. Criminal Law Consolidation (Protection for Assistance Animals) Amendment Bill (No. 69): adjourned debate on second reading - (October 14) - (The Hon. J.S.L. Dawkins)<sup>3</sup>.
58. Adjourned debate on motion of the Hon. J.M.A. Lensink - That this Council -
- I. Commends the work of No FGM Australia in raising the awareness of the health and other risks to Australian women and girls of the illegal practice of female genital mutilation and its concerns that -
    - (a) there is a lack of awareness among Australian health and child protection professionals about FGM;
    - (b) no data is collected about prevalence of FGM in South Australian residents; and
    - (c) girls most at risk of FGM are those who come from FGM affected communities and that in Australia, three girls a day are in the high risk category;
  - II. Notes that the World Health Organisation has described FGM as a violation of the human rights of girls and women and constitutes an extreme form of discrimination against women;
  - III. Notes that FGM has no health benefits and can cause severe urinary, fertility and childbirth complications;
  - IV. Notes the Review and Recommendations of the Australian Government's 2013 Review of Australia's Female Genital Mutilation Legal Framework Final Report; and
  - V. Notes that Australia's first FGM prosecution is taking place in New South Wales for alleged offences on two young girls who were at the time aged only seven years old - (October 14, December 9) - (The Hon. J.S.L. Dawkins).
59. Adjourned debate on motion of the Hon. T. A. Franks - That this Council -
- I. Recognises that the first week of October each year has been declared as the Borderline Personality Disorder Awareness Week; and

- II. Acknowledges that the Australian Borderline Personality Disorder Foundation, through ongoing advocacy from Ms. Janne McMahon, OAM, Dr. Martha Kent and Associate Professor Andrew Chanen, has been fundamental in promoting understanding of the disorder in the community and working towards better treatment options and quality of life for those affected by the disorder - (October 14, December 9) - (The Hon. G. A. Kandelaars).
60. Statutes Amendment (Public Sector Audit) Bill (No. 59): adjourned debate on second reading - (September 23, March 9) - (The Hon. G. A. Kandelaars)<sup>9</sup>.
61. Eggs (Display for Retail Sale) Bill (No. 60): adjourned debate on second reading - (September 23, April 13) - (The Hon. D. W. Ridgway)<sup>5</sup>.
62. Electoral (Legislative Council) (Optional Preferential Voting) Amendment Bill (No. 61): adjourned debate on second reading - (September 23) - (The Hon. M. C. Parnell)<sup>6</sup>.
63. Adjourned debate on motion of the Hon. R. I. Lucas - That the Report on the Operations of the Budget and Finance Committee, 2014-2015, be noted - (February 10) - (The Hon. S. G. Wade).
64. Adjourned debate on motion of the Hon. M. C. Parnell -
- I. That this Council notes -
    - (a) The ongoing international concern over the destruction of 90% of Sarawak's primary rainforest over the last three decades in what former United Kingdom Prime Minister, Gordon Brown, described as "probably the biggest environmental crime of our times";
    - (b) The central role of the Governor and former Chief Minister of Sarawak, Taib Mahmud, in that destruction;
    - (c) The links between Taib Mahmud and South Australia, including -
      - (i) the awarding to him of an honorary doctorate by the University of Adelaide and naming part of the University's North Terrace campus in his honour as the "Taib Mahmud, Chief Minister of Sarawak Court" in response to significant donations to the University;
      - (ii) the ownership of the Adelaide Hilton Hotel by members of Taib Mahmud's family;
  - II. That this Council calls on the South Australian Government to -
    - (a) investigate alleged money laundering activity in South Australia as identified in the Report entitled "THE ADELAIDE HILTON CASE; How a Malaysian politician's family laundered \$30 million in South Australia" produced by Swiss-based environmental organisation, the Bruno Manser Fund, and launched in Adelaide on 9 September 2015;
    - (b) freeze all assets owned by Taib family members in South Australia, consistent with South Australia's unexplained wealth legislation, where no credible explanation for the lawful origin of that wealth can be given, with a view to providing restitution to the people of Sarawak;
    - (c) refer this matter to appropriate Federal Government and law enforcement agencies; and
  - III. That this Council calls on the University of Adelaide to -
    - (a) fully disclose all donations received from Taib Mahmud or his family and all contractual obligations arising from those donations;
    - (b) rename the "Taib Mahmud, Chief Minister of Sarawak Court" and bestow naming honours on a more appropriate and worthy University alumnus - (September 9) - (The Hon. T. T. Ngo).
65. Fisheries Management (Fish Processors) Amendment Bill (No. 50): adjourned debate on second reading - (September 9) - (The Hon. J.S.L. Dawkins)<sup>9</sup>.
66. Adjourned debate on motion of the Hon. R. L. Brokenshire - That the Budget and Finance Committee, as a matter of priority -
- I. Calls as witnesses the Chief Executive Officers of major Government Departments and seeks information as to why Government Departments owe business \$1 billion in unpaid accounts; and

- II. Ascertains whether such non-payment is Government policy or results from mismanagement, incompetence or budget reductions - (September 9) - (The Hon. G. A. Kandelaars).
67. Adjourned debate on motion of the Hon. G. A. Kandelaars - That the Report of the Crime and Public Integrity Policy Committee on its Annual Review into Public Integrity and the Independent Commissioner Against Corruption, be noted - (July 1, October 14) - (The Hon. J.S.L. Dawkins).
68. Adjourned debate on motion of the Hon. D. W. Ridgway -
- I. That a Select Committee of the Legislative Council be established to investigate wind farm developments in South Australia, with the following terms of reference -
    - (a) Separation distances between wind turbines and residences or communities;
    - (b) The social, health and economic impacts of wind generators on individual landholders, communities and the State;
    - (c) The need for a peer-reviewed, independent academic study on the social, health and economic impacts of wind generators;
    - (d) The capacity of existing infrastructure to cope with increased wind power;
    - (e) The costs and benefits of wind power in South Australia;
    - (f) The environmental impacts of wind generators and wind power generally;
    - (g) The siting of wind generators in South Australia;
    - (h) The approval process of wind farms in South Australia;
    - (i) The preparation of the State Wind Farm DPA;
    - (j) An assessment of the impact of wind farm developments on property values; and
    - (k) Any other matter the Committee deems relevant.
  - II. That the Committee consist of three Members and that the quorum of Members necessary to be present at all meetings of the Committee be fixed at two Members and 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.
  - V. That the evidence and submissions given to the previous Legislative Council Select Committee on Wind Farm Developments in South Australia be tabled and referred to the Select Committee - (July 1, December 9) - (The Hon. J.S.L. Dawkins).
69. The Hon. M. C. Parnell to move - That the Regulations under the Primary Produce (Food Safety Schemes) Act 2004 concerning the Dairy Industry, made on 23 April 2015 and laid on the Table of this Council on 5 May 2015, be disallowed.
70. The Hon. D.G.E. Hood to move - That this Council -
- I. Notes that paying for sex is now a criminal act under the newly enacted Human Trafficking and Exploitation Act 2015 in Northern Ireland; and
  - II. Congratulates the Parliament of Northern Ireland on advancing this private member's bill in an effort to combat human trafficking and act as a deterrent for would be traffickers.
71. Adjourned debate on motion of the Hon. J.M.A. Lensink - That the Legislative Council requests the Environment, Resources and Development Committee to inquire into and report on waste management policies in South Australia, with particular reference to -
- I. The efficacy of the solid waste levy in providing equitable encouragement of resource recovery compared to landfilling or stockpiling of materials;
  - II. The adequacy of regulatory and legislative powers within the *Environment Protection Act 1993* to manage the waste sector, including licence enforcement and current penalties;
  - III. Best practice methods in the resource recovery and waste sectors;
  - IV. Minimisation of hazardous risks in the resource recovery and waste sectors;
  - V. Relevant themes from the 2015 EPA/ZWSA Waste Summit which will inform this inquiry; and

- VI. Any other matter - (June 3) - (The Hon. J. M. Gazzola).
72. Adjourned debate on motion of the Hon. T. A. Franks - That this Council -  
 I. Supports marriage equality; and  
 II. Calls on the Parliament of the Commonwealth of Australia to amend the Marriage Act 1961 (Cth) to provide for marriage equality - (June 17) - (The Hon. J. S. Lee).
73. Local Government (Elections) (Disclosure of Political Affiliation) Amendment Bill (No. 36): adjourned debate on second reading - (June 3) - (The Hon. G. A. Kandelaars)<sup>7</sup>.
74. Right to Farm Bill (No.89): in Committee<sup>7</sup>.
75. Motor Vehicles (Demerit Points for Disability Parking Area Offence) Amendment Bill (No. 28): adjourned debate on second reading - (May 6) - (The Hon. J. M. Gazzola)<sup>4</sup>.
76. Animal Welfare (Jumps Racing) Amendment Bill (No. 19): adjourned debate on second reading - (March 25) - (The Hon. J. A. Darley)<sup>5</sup>.
77. Liquor Licensing (Entertainment) Amendment Bill (No. 20): adjourned debate on second reading - (March 25) - (The Hon. J.S.L. Dawkins)<sup>5</sup>.
78. Freedom of Information (Miscellaneous) Amendment Bill (No. 22): adjourned debate on second reading - (March 25) - (The Hon. J.M.A. Lensink)<sup>6</sup>.
79. Adjourned debate on motion of the Hon. T. A. Franks - That this Council -  
 I. Acknowledges the extraordinary work of The Jam, The Mix, The Gig (The JMG) - a longstanding and successful community arts mental health program;  
 II. Notes The JMG's previous shared funding arrangement via the SA Mental Health and Substance Abuse program and Arts SA's Arts Organisations (Disability) Program;  
 III. Notes with concern that The JMG's application for funding through Arts SA has not been renewed; and  
 IV. Calls on the Government to work with stakeholders including Arts SA to explore alternative funding pathways to ensure that The Jam, The Mix, The Gig (The JMG) can continue this important program - (March 18, December 9) - (The Hon. J.S.L. Dawkins).
80. Electoral (Legislative Council Voting Thresholds) Amendment Bill (No. 10): adjourned debate on second reading - (February 25) - (The Hon. J.M.A. Lensink)<sup>3</sup>.
81. Animal Welfare (Greyhound Training) Amendment Bill (No. 11): adjourned debate on second reading - (February 25) - (The Hon. T. J. Stephens)<sup>1</sup>.
- †82. Animal Welfare (Companion Animals) Amendment Bill (No. 1): in Committee<sup>1</sup>.
-

**WEDNESDAY 21 SEPTEMBER 2016****Notice of Motion: Government Business -**

1. The Minister for Sustainability, Environment and Conservation to move - That this Council requests His Excellency The Governor to make a proclamation under section 27(3) of the National Parks and Wildlife Act 1972 excluding Allotment 63 in approved plan No. D93043, Out of Hundreds (Parachilna), from the Ikara-Flinders Ranges National Park.
- 

**Contingent Notice of Motion -**

1. Contingently, on the second reading of any Bill being moved, or on any Bill being reported, the Minister for Employment, Higher Education and Skills 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.

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

††Restored to the Notice Paper in House of Assembly.

\*Received from House of Assembly.

## Member in charge of Bill -

<sup>1</sup>Hon. J.M.A. Lensink

<sup>2</sup>Hon. J.S.L. Dawkins

<sup>3</sup>Hon. D.G.E. Hood

<sup>4</sup>Hon. K. L. Vincent

<sup>5</sup>Hon. T. A. Franks

<sup>6</sup>Hon. M. C. Parnell

<sup>7</sup>Hon. R. L. Brokenshire

<sup>8</sup>Hon. D. W. Ridgway

<sup>9</sup>Hon. J. A. Darley

<sup>10</sup>Hon. A. L. McLachlan

<sup>11</sup>Hon. J. S. Lee

<sup>12</sup>Hon. S. G. Wade