

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 17

TUESDAY, 31 MARCH 2009

1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

The President, Hon Nick Griffiths, took the Chair and read prayers.

2. Petition

Hon Wendy Duncan presented a petition, by delivery to the Clerk, [SO 130], from 293 petitioners requesting the Legislative Council support the upgrade and expansion of the Esperance Residential College. (Tabled paper 629).

3. Ministerial Statement - TAFEWA Colleges - Governance and Accountability

The Minister for Training made a Ministerial Statement with respect to initiatives focused on maintaining the effectiveness of TAFEWA Colleges in meeting the training needs in the State.

Ordered - That consideration of the Ministerial Statement be made an Order of the Day for the next sitting.

4. Papers

The following Papers were laid on the Table by -

President

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Treaties tabled on 12 and 16 March 2009 - 12 March 2009, Convention on Cluster Munitions, adopted at Dublin on 30 May 2008, Agreement between the Government of Australia and the Government of the Isle of Man on the Exchange of Information with Respect to Taxes (London, 29 January 2009), and Agreement between the Government of Australia and the Government of the Isle of Man for the allocation of Taxing Rights with Respect to Certain Income of Individuals and to Establish a Mutual Agreement Procedure in Respect of Transfer Pricing Adjustments (London, 29 January 2009) - Treaty tabled on 16 March 2009, Agreement establishing the ASEAN-Australia- New Zealand Free Trade Area	599
Report No. 98 - Treaties tabled on 26 November and 4 December 2008	600
Report No. 99 - Treaties tabled on 3 December 2008 and 3 February 2009	601

Minister for Transport*Annual Reports -*

Occupational Therapists Registration Board (For the seven months ended 31 July 2007) (Date received 30/03/2009)	602
Occupational Therapists Registration Board (For the eleven months from 1 August 2007 to 30 June 2008) (Date received 30/03/2009)	603
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Minister for Energy*Addendums -*

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Annual Reports -

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C.Y. O'Connor College of TAFE (Year ending 31 December 2008) (Date received 31/03/2009)	613
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Pilbara TAFE (Year ended 31 December 2008) (Date received 31/03/2009)	619
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Parliamentary Secretary representing the Minister for Regional Development*Proposals -*

Land Administration Act 1997 - Submission No. 13/2008 - Excision of Portion of Lot 7168 from A Reserve No. 42958 (Leschenaultia Conservation Park)	624
Land Administration Act 1997 - Submission No. 16/2008 - Amendment of Class A Reserve 46661 (Mandurah Bypass Bridge)	625

Land Administration Act 1997 - Submission No. 1/2009 - Excision from Class A Reserve No. 1821 (Ranford Road, Forrestdale)	626
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Parliamentary Secretary representing the Treasurer

Codes -

National Occupational Health and Safety Commission - National Code of Practice for the Preparation of Material Safety Data Sheets (March 1994).....	627
National Occupational Health and Safety Commission - National Code of Practice for the Preparation of Material Safety Data Sheets (Second Edition) (April 2003)	628

5. Children's Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *Children's Court (Fees) Amendment Regulations (No. 2) 2008* published in the *Gazette* on 27 June 2008 and tabled in the Legislative Council on 12 November 2008 under the *Children's Court of Western Australia Act 1988*, be and are hereby disallowed.

6. District Court (Fees) Amendment Regulations 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *District Court (Fees) Amendment Regulations 2008* published in the *Gazette* on 27 June 2008 and tabled in the Legislative Council on 12 November 2008 under the *District Court of Western Australia Act 1969*, be and are hereby disallowed.

7. Magistrates Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *Magistrates Court (Fees) Amendment Regulations (No. 2) 2008* published in the *Gazette* on 27 June 2008 and tabled in the Legislative Council on 12 November 2008 under the *Magistrates Court Act 2004*, be and are hereby disallowed.

8. State Administrative Tribunal Amendment Regulations 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *State Administrative Tribunal Amendment Regulations 2008* published in the *Gazette* on 27 June 2008 and tabled in the Legislative Council on 12 November 2008 under the *State Administrative Tribunal Act 2004*, be and are hereby disallowed.

9. Supreme Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *Supreme Court (Fees) Amendment Regulations (No. 2) 2008* published in the *Gazette* on 27 June 2008 and tabled in the Legislative Council on 12 November 2008 under the *Supreme Court Act 1935*, be and are hereby disallowed.

10. Shire of Meekatharra - Dogs Local Law 2007 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *Shire of Meekatharra - Dogs Local Law 2007* published in the *Gazette* on 29 July 2008 and tabled in the Legislative Council on 12 November 2008 under the *Dog Act 1976*, be and is hereby disallowed.

11. Industrial Training Legislation Amendment Regulations 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *Industrial Training Legislation Amendment Regulations 2008* published in the *Gazette* on 23 July 2008 and tabled in the Legislative Council on 12 November 2008 under the *Industrial Training Act 1975*, be and are hereby disallowed.

12. Act Amendment (Bankruptcy) Bill 2009

The Minister for Transport: To move on the next day of sitting -

That a Bill for "An Act to amend various Acts to reflect changes made to the *Bankruptcy Act 1966* (Commonwealth) and for related purposes." be introduced and read a first time.

13. Matter of Urgency - Supporting Western Australians in the Economic Downturn

The President read the following letter -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that the Council consider, as a matter of urgency, the Government's failure for its lack of action in defending West Australians from job losses due to the current economic climate and calls on the Government to adopt a proactive approach in supporting and working together with Western Australian employers and employees, by using any or all means it has at its disposal in assisting them to weather the current economic downturn.

Yours sincerely

Hon Jon Ford

Member for Mining and Pastoral Region

Four members having risen in support.

Hon Jon Ford moved the motion.

Debate ensued.

Motion lapsed.

14. Order of Business

Ordered - That Orders of the Day Nos 31, *City of Armadale - Signs Amendment Local Law 2008 - Disallowance*, 32, *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2008 - Disallowance*, 35, *Road Traffic (Authorisation to Drive) Regulations 2008 - Disallowance*, 41, *Waste Avoidance and Resource Recovery Regulations 2008 - Disallowance*, and 42, *Waste Avoidance and Resource Recovery Levy Regulations 2008 - Disallowance*, be taken after Order of the Day No. 23, *National Gas Access (WA) Bill 2008*. (Leader of the House).

15. Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2008 - Disallowance - Discharge from Notice Paper

Hon Kim Chance moved, without notice -

That Order of the Day No. 21, *Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

16. Credit (Administration) Amendment Regulations 2008 - Disallowance - Discharge from Notice Paper

Hon Kim Chance moved, without notice -

That Order of the Day No. 39, *Credit (Administration) Amendment Regulations 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

17. Finance Brokers Control (General) Amendment Regulations (No. 2) 2008 - Disallowance - Discharge from Notice Paper

Hon Kim Chance moved, without notice -

That Order of the Day No. 40, *Finance Brokers Control (General) Amendment Regulations (No. 2) 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

18. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the amendment of Hon Sue Ellery as follows -

But regrets to inform Your Excellency that the Government has failed to adequately address a number of serious issues affecting Western Australia.

Debate resumed.

19. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Sport and Recreation tabled documents in relation to the Department of Sport and Recreation's finalised grants lists, in response to question on notice No. 375 asked by Hon Ken Travers. (Tabled paper 630).

20. Address-In-Reply

Debate resumed on the amendment of Hon Sue Ellery to the Address-in-Reply (cf item 18 above).

On the motion of Hon Bruce Donaldson the debate was adjourned to a later stage of this day's sitting.

21. Ministerial Statement - Taxis - Optional Extension of Peak Period Operating Hours Trial

The Minister for Transport, by leave, made a Ministerial Statement with respect to an extension of the peak period operating hours trial for taxis in Western Australia.

The Minister for Transport, by leave, tabled the review of the Western Australian Taxi peak period operating hours trial. (Tabled paper 631).

Ordered - That consideration of the Ministerial Statement and Tabled paper(s) be made an Order of the Day for the next sitting.

22. Local Government Amendment Bill 2009

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate ensued.

On the motion of Hon Ed Dermer the debate was adjourned to the next sitting.

23. Order of Business

Ordered - That Order of the Day No. 1, *Address-In-Reply*, be taken forthwith. (Minister for Transport).

24. Address-In-Reply

Debate resumed on the amendment of Hon Sue Ellery to the Address-in-Reply (cf item 20 above).

On the motion of Hon Bruce Donaldson the debate was adjourned to the next sitting.

25. Adjournment

The Minister for Transport moved, That the House do now adjourn.

Debate ensued.

Question - put and passed.

The House adjourned at 9.39pm until Wednesday, 1 April 2009 at 4.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Donna Faragher.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council