

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 197

WEDNESDAY, 9 APRIL 2008

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### 1. Meeting of Council

The Council assembled at 2.00pm pursuant to Temporary Order.

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

### 2. Petitions

Hon Matt Benson-Lidholm presented a petition, by delivery to the Clerk, [SO 130], from 2 066 residents of Western Australia, requesting the support of the Legislative Council with respect to the current teacher shortage crisis in the identification and implementation of attraction and retention measures for teachers and administrators. (Tabled paper 3878).

Hon Brian Ellis presented a petition from 254 residents of Western Australia, requesting the support of the Legislative Council for an inquiry into the shortage of abattoir capacity in the State and to determine any reasons why Western Australian Livestock Producers receive substantially less than their counterparts elsewhere in Australia. (Tabled paper 3879).

### 3. Paper

The following Paper was laid on the Table by -

**Minister for Employment Protection on behalf of the Leader of the House**

*Reports -*

Public Sector Standards Commissioner, Office of the [OPSSC] - Parliamentary Series  
(Report One) (April 2008)..... 3877

### 4. Standing Committee on Uniform Legislation and Statutes Review - Road Traffic (Administration) Bill 2007, Road Traffic (Vehicles) Bill 2007, Road Traffic (Authorisation to Drive) Bill 2007, Road Traffic (Consequential Provisions) Bill 2007, and Road Traffic (Vehicles) (Taxing) Bill 2007- Extension of Reporting Time

Hon Simon O'Brien presented a Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Road Traffic (Administration) Bill 2007, Road Traffic (Vehicles) Bill 2007, Road Traffic (Authorisation to Drive) Bill 2007, Road Traffic (Consequential Provisions) Bill 2007, and Road Traffic (Vehicles) (Taxing) Bill 2007* seeking an extension of time to report from 6 May 2008 to 29 May 2008. (Tabled paper 3880).

Hon Simon O'Brien moved, That the Report do lie upon the Table and be adopted and agreed to.

Question - put and passed.

## 5. Notice of Question

Hon Simon O'Brien: To ask the following question of the Parliamentary Secretary representing the Minister for Planning and Infrastructure on the next day of sitting -

- (1) Has -
  - (a) the Minister; and
  - (b) the Subiaco Redevelopment Authority (SRA)
 received correspondence from a residents' association styling itself the "Subiaco China Green Action Group"?
- (2) When was correspondence received and when will it be responded to?
- (3) Is it true that the SRA is now pursuing a plan for "Subiaco China Green" that is radically different from the 2004 concept plan?
- (4) What are the essential differences between the two plans?
- (5) Is it the truth that the honouring of the original plan was a condition of the sale of land by the Subiaco City Council to the SRA?
- (6) Now that the Minister is aware of the strength of opposition from local residents to the SRA's current development plans (which vary dramatically from those originally agreed), will she direct the SRA to cease implementation of the latest plans pending consultation with the community and Subiaco City Council and if not, why not?

## 6. Architects Amendment Regulations 2007 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Architects Amendment Regulations 2007* published in the *Gazette* on 28 December 2007 and tabled in the Legislative Council on 21 February 2008 under the *Architects Act 2004*, be and are hereby disallowed.

## 7. Health, Education and Law and Order - Crises

Motion No. 63 having been called, debate resumed on the amendment of the Leader of the House as follows -

To delete "condemns the Government for refusing to acknowledge that over its terms in office it has contributed to the crises continuing to plague our communities" and insert instead —

" recognises the Government's contribution ",  
to the motion of Hon Ray Halligan as follows -

That this House condemns the Government for refusing to acknowledge that over its terms in office it has contributed to the crises continuing to plague our communities in the areas of health, education and law and order.

*Extension of Time* - Leave granted to Hon Peter Collier to extend his speaking time.

Debate continued.

Amendment put and negatived.

Question, That the motion stand as printed - put.

The House divided.

**Ayes (15)**

Hon Shelley Archer  
 Hon Ken Baston  
 Hon George Cash  
 Hon Peter Collier  
 Hon Wendy Duncan  
 Hon Brian Ellis  
 Hon Anthony Fels  
 Hon Ray Halligan

Hon Barry House  
 Hon Paul Llewellyn  
 Hon Robyn McSweeney  
 Hon Helen Morton  
 Hon Barbara Scott  
 Hon Giz Watson  
 Hon Bruce Donaldson (*Teller*)

**Noes (10)**

Hon Vincent Catania  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Jon Ford

Hon Graham Giffard  
 Hon Sheila Mills  
 Hon Sally Talbot  
 Hon Ken Travers  
 Hon Ed Dermer (*Teller*)

Question thus passed.

**8. Aboriginal Child Health Survey**

Motion No. 57 having been called, Hon Barbara Scott pursuant to notice, moved -

That this House -

- (1) Urges the State Government to take seriously the Western Australian Aboriginal Child Health Survey - Strengthening the Capacity of Aboriginal Children, Families and Communities (Volume 4);
- (2) Set some realistic and achievable time frames for the implementation of the recommended actions;
- (3) Establish an inter-government agency approach to prioritising the recommended actions; and
- (4) Ensure programs build capability in families and communities with Aboriginal and Torres Strait Islander children.

Debate ensued.

*Interruption pursuant to Temporary Order.*

**9. Questions Without Notice**

Questions without notice were taken.

The Minister for Child Protection representing the Minister for Health tabled, and by leave incorporated into Hansard, documents in relation to reported cases of Ross River virus disease from July 2005 until April 2008 in the Perth, Peel and South West regions, in response to a question without notice asked by Hon Helen Morton. (Tabled paper 3881).

The Parliamentary Secretary for the Minister for Planning and Infrastructure tabled, and by leave incorporated into Hansard, documents in relation to details of A Class Reserves under the *Land Administration Act 1997*, in response to a question without notice asked by Hon Ken Baston. (Tabled paper 3882).

**10. Consideration of Committee Reports and Ministerial Statements**

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements.

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**In Committee**

(Hon Ken Travers in the Chair)

**Select Committee into Public Obstetric Services - Committee Report**

The Order of the Day having been read, debate resumed on the motion of Hon Helen Morton, That the Report be noted.

Question - put and passed.

**Local Government Structure and Electoral Reform in Western Australia - Ministerial Statement and Tabled Paper**

The Order of the Day having been called, the Minister for Child Protection moved that debate on the Ministerial Statement and Tabled Paper be made an Order of the Day for the next day's sitting.

Question - put and passed.

**Joint Standing Committee on the Corruption and Crime Commission - Report No. 30 - Annual Report 2006-2007**

The Order of the Day having been called, Hon Ray Halligan moved, That the Report be noted.

Question - put and passed.

**Metropolitan Region Scheme Amendment No. 1029/33 - Alkimos-Eglinton - Ministerial Statement**

The Order of the Day called.

**Standing Committee on Environment and Public Affairs - Report No. 10 - Overview of Petitions - Committee Report**

The Order of the Day having been called, Hon Bruce Donaldson moved, That the Report be noted.

Debate ensued.

Question - put and passed.

*Interruption pursuant to Temporary Order.*

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The Deputy President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee of the Whole House had considered the -

- (1) Select Committee into Public Obstetric Services - Committee Report and had noted same.
- (2) Joint Standing Committee on the Corruption and Crime Commission - Report No. 30 - Annual Report 2006-2007 and had noted same.
- (3) Standing Committee on Environment and Public Affairs - Report No. 10 - Overview of Petitions and had noted same.

Report adopted.

**11. Co-operatives Bill 2007**

The Acting President reported the receipt of Message No. 311 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Child Protection representing the Minister for Consumer Protection moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Child Protection representing the Minister for Consumer Protection moved, That the Bill be now read a second time.

Debate stands adjourned and the Bill referred to Standing Committee on Uniform Legislation and Statutes Review.

## **12. Community Protection (Offender Reporting) Amendment Bill 2007**

The Acting President reported the receipt of Message No. 312 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Employment Protection representing the Minister for Corrective Services moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Employment Protection representing the Minister for Corrective Services moved, That the Bill be now read a second time.

Debate stands adjourned.

## **13. State Supply Commission Amendment Bill 2007**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 314

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendment made by the Legislative Council in the *State Supply Commission Amendment Bill 2007*.

Mr G.A. Woodhams

Acting Speaker

Legislative Assembly Chamber

Perth, 9 April 2008

## **14. Shire of Harvey Local Law Relating to Signs and Other Advertising Devices 2007**

Hon Ray Halligan moved, without notice -

That Order of the Day No. 571, *Shire of Harvey Local Law Relating to Signs and Other Advertising Devices 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

## **15. Employment Dispute Resolution Bill 2007**

The Order of the Day having been read for the third reading of this Bill.

The Minister for Employment Protection moved, That the Bill be now read a third time.

The Acting President having reported that the Deputy Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

## **16. Order of Business**

Ordered - That Order of the Day No. 501, *Mines Safety and Inspection Amendment Bill 2007*, be taken after Order of the Day No. 557, *Appropriation (Consolidated Account) Bill (No. 6) 2007*. (Minister for Local Government).

**17. Legal Profession Bill 2007**

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

Debate resumed.

Question - put and passed.

Bill read a second time.

The Acting President left the Chair.

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**In Committee**

(Hon Graham Giffard in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2 agreed to.

Clause 3.

Debate ensued.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure sought leave of the House to defer further consideration of clause 3 until after consideration of clause 714.

Leave granted.

Clauses 4 to 11 agreed to.

Clause 12.

Debate ensued.

Clause agreed to.

Clauses 13 to 35 agreed to.

Clause 36.

Debate ensued.

Clause agreed to.

Clauses 37 to 43 agreed to.

Clause 44.

The Parliamentary Secretary to the Minister for Planning and Infrastructure on behalf of the Minister for Child Protection representing the Attorney General moved -

Page 48, line 30 — To delete “admission” and insert instead —

“ legal profession ”.

Page 49, line 1 — To delete “admission” and insert instead —

“ legal profession ”.

Page 49, line 27 — To delete “admission” and insert instead —

“ legal profession ”.

Page 49, line 29 — To delete “admission” and insert instead —

“ legal profession ”.

Debate ensued.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 45 to 75 agreed to.

Clause 76.

The Parliamentary Secretary to the Minister for Planning and Infrastructure on behalf of the Minister for Child Protection representing the Attorney General moved -

Page 76, after line 27 — To insert —

“

- (3) If a condition is imposed on a local practising certificate because of the infirmity, injury or mental or physical illness of the holder of the practising certificate, the Board may omit from the register any part of the condition that includes the reason for the imposition of the condition or other information in relation to the infirmity, injury or mental or physical illness.

”

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 77 to 98 agreed to.

Clause 99.

Debate ensued.

Clause agreed to.

Clause 100.

Debate ensued.

*The Deputy Chairman of Committees left the Chair at 8.40pm*

*The Deputy Chairman of Committees resumed the Chair at 8.58pm*

The Parliamentary Secretary representing the Minister for Planning and Infrastructure sought leave of the House to defer further consideration of clause 100 until after consideration of clause 714.

Leave granted.

Clauses 101 to 104 agreed to.

Clause 105.

Debate ensued.

Clause agreed to.

Clause 106 agreed to.

Clause 107.

Debate ensued.

Clause agreed to.

Clauses 108 to 110 agreed to.

Clause 111.

Debate ensued.

*Interruption pursuant to Temporary Order.*

The Deputy President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

**18. Members' Statements**

Statements were taken.

**19. Adjournment**

The House adjourned at 10.03pm until Thursday, 10 April 2008 at 10.00am.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Kim Chance, Hon Norman Moore and Hon Batong Pham.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON NICK GRIFFITHS**  
President of the Legislative Council