

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 66

THURSDAY, 19 NOVEMBER 2009

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**1. Meeting of Council**

The Council assembled at 10.00am pursuant to order.

The President, Hon Barry House, took the Chair and read prayers.

**2. Paper**

The following Paper was laid on the Table by -

**Parliamentary Secretary representing the Attorney General**

*Annual Reports -*

Professional Standards Council (2008-2009) (Date received 18/11/2009) ..... 1543

**3. Standing Committee on Uniform Legislation and Statutes Review - Forty-second Report - Professional Standards Amendment Bill 2009**

Hon Adele Farina presented the Forty-second Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Professional Standards Amendment Bill 2009*. (Tabled paper 1544).

Hon Adele Farina moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

**4. Joint Standing Committee on Delegated Legislation - Thirty-fifth Report - Fish Resources Management Amendment Regulations (No. 3) 2009**

Hon Robin Chapple presented the Thirty-fifth Report of the Joint Standing Committee on Delegated Legislation in relation to the *Fish Resources Management Amendment Regulations (No. 3) 2009*. (Tabled paper 1545).

Hon Robin Chapple moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

**5. Joint Standing Committee on Delegated Legislation - Thirty-sixth Report - Tabling of Subsidiary Legislation in the Legislative Council**

Hon Robin Chapple presented the Thirty-sixth Report of the Joint Standing Committee on Delegated Legislation in relation to the *Tabling of Subsidiary Legislation in the Legislative Council*. (Tabled paper 1546).

Hon Robin Chapple moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

**6. Workers' Compensation (DRD) Amendment Rules 2009 - Disallowance**

Hon Robin Chapple: To move on the next day of sitting -

That the *Workers' Compensation (DRD) Amendment Rules 2009* published in the *Gazette* on 6 November 2009 and tabled in the Legislative Council on 10 November 2009 under the *Workers' Compensation and Injury Management Act 1981*, be and are hereby disallowed.

**7. Voluntary Euthanasia Bill 2009**

Hon Robin Chapple: To move on the next day of sitting -

That a Bill for "An Act to provide for the administration of voluntary euthanasia." be introduced and read a first time.

**8. Suspension of Standing Orders**

The Leader of the House moved, without notice -

That so much of the Standing Orders be suspended as to enable the House to proceed to Orders of the Day forthwith.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

**9. Order of Business**

Ordered - That Orders of the Day Nos 1, *Perth Parking Management Amendment Regulations (No. 2) 2009 - Disallowance*, and 2, *Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment (No. 2) 2009 - Disallowance*, be taken after Order of the Day No. 22, *Joint Standing Committee on Audit*. (Leader of the House).

**10. Metropolitan Region Scheme Amendment No. 1152/41 - Jindalee (Jindee) Foreshore Rationalisation - Disallowance**

Hon Giz Watson, pursuant to notice, moved -

That the *Metropolitan Region Scheme Amendment No. 1152/41 - Jindalee (Jindee) Foreshore Rationalisation* published in the *Gazette* on 20 May 2009 and tabled in the Legislative Council on 21 May 2009 under the *Planning and Development Act 2005*, be and is hereby disallowed.

Debate ensued.

Hon Michael Mischin, by leave, tabled a plan of Lot 10, Marmion Avenue Jindalee - Jindee Development, dated 12 February 2008. (Tabled paper 1547).

Question - put.

The House divided.

**Ayes (4)**

Hon Lynn MacLaren  
Hon Giz Watson

Hon Alison Xamon  
Hon Robin Chapple (*Teller*)

**Noes (30)**

Hon Liz Behjat	Hon Jon Ford
Hon Matt Benson-Lidholm	Hon Philip Gardiner
Hon Helen Bullock	Hon Nick Goiran
Hon Jim Chown	Hon Alyssa Hayden
Hon Peter Collier	Hon Col Holt
Hon Mia Davies	Hon Robyn McSweeney
Hon Ed Dermer	Hon Michael Mischin
Hon Kate Doust	Hon Norman Moore
Hon Wendy Duncan	Hon Helen Morton
Hon Phil Edman	Hon Simon O'Brien
Hon Sue Ellery	Hon Ljiljanna Ravlich
Hon Brian Ellis	Hon Sally Talbot
Hon Donna Faragher	Hon Ken Travers
Hon Adele Farina	Hon Max Trenorden
Hon Jock Ferguson	Hon Ken Baston ( <i>Teller</i> )

Question thus negatived.

**11. Royalties for Regions Bill 2009**

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

**12. Questions Without Notice**

Questions without notice were taken.

The Leader of the House representing the Premier tabled documents in relation to the *Lead Agency Framework - A Guidance Note for Implementation*, in response to a question without notice asked by Hon Jon Ford. (Tabled paper 1548).

The Minister for Environment in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 1268 asked by Hon Lynn MacLaren will be provided in due course.

The Minister for Transport tabled documents in relation to the *Rous Head Reclamation Area Report - Detailed Site Investigation*, in response to question on notice No. 1283 asked by Hon Giz Watson. (Tabled paper 1549).

The Parliamentary Secretary representing the Minister for Housing and Works in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 1275 asked by Hon Robin Chapple will be provided by 26 November 2009.

**13. Royalties for Regions Bill 2009**

Debate resumed on the second reading of this Bill (cf item 11 above).

Hon Mia Davies sought leave to continue her remarks at a later stage of this day's sitting.

Leave granted.

On the motion of the Leader of the House the debate was adjourned to a later stage of this day's sitting.

**14. Order of Business**

Ordered - That Bills for Introduction be taken forthwith. (Leader of the House).

### **15. Approvals and Related Reforms (No. 2) (Mining) Bill 2009**

The Minister for Mines and Petroleum, pursuant to notice, moved -

That a Bill for “An Act to amend the *Mining Act 1978* and for related purposes.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Mines and Petroleum moved, That the Bill be now read a second time.

Debate stands adjourned.

### **16. Approvals and Related Reforms (No. 1) (Environment) Bill 2009**

The Minister for Environment, pursuant to notice, moved -

That a Bill for “An Act to the *Environmental Protection Act 1986* and for related purposes.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Environment moved, That the Bill be now read a second time.

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

### **17. Standing Committee on Uniform Legislation and Statutes Review - Forty-third Report - Arson Legislation Amendment Bill 2009**

Hon Adele Farina presented the Forty-third Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Arson Legislation Amendment Bill 2009*. (Tabled paper 1550).

Hon Adele Farina moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

### **18. Order of Business**

Ordered - That Order of the Day No. 5, *Royalties for Regions Bill 2009*, be taken forthwith. (Leader of the House).

### **19. Royalties for Regions Bill 2009**

Debate resumed on the second reading of this Bill (cf item 13 above).

*Interruption of Debate* [SO 61(b)].

### **20. Criminal Code Amendment Bill (No.2) 2009**

The President reported the receipt of Message No. 69 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a second time.

Debate stands adjourned.

## **21. Public Sector Commissioner**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 70

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution -

That in accordance with sections 18(6) and 28 of the *Public Sector Management Act 2004*, this House authorises Malcolm Charles Wauchope to continue to hold the office of Public Sector Commissioner, being an office referred to in Part 1 of Schedule V of the *Constitution Acts Amendment Act 1899*, upon an appointment by the Governor of him as Acting Commissioner for Public Sector Standards,

and requests the Legislative Council to agree to a similar resolution.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 18 November 2009

Ordered - That consideration of Legislative Assembly Message No. 70 be made an Order of the Day for the next sitting.

## **22. Criminal Code Amendment (Identity Crime) Bill 2009**

The President reported the receipt of Message No. 71 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a second time.

Debate stands adjourned.

## **23. Adjournment**

The Leader of the House moved, That the House do now adjourn.

Debate ensued.

Question - put and passed.

The House adjourned at 5.46pm until Tuesday, 24 November 2009 at 3.30pm.

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

Attendance: Present all Members.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council