

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 155

WEDNESDAY, 5 SEPTEMBER 2007

1. Meeting of Council

The Council assembled at 4.00pm pursuant to order.

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

2. Petition

Hon Giz Watson, by leave, presented a non-conforming petition from 210 residents of Western Australia requesting the Standing Committee on Environment and Public Affairs enquire into the fairness and just terms of Alcoa's compensation arrangements for affected landholders in Wagerup. (Tabled paper 3105).

Hon Norman Moore, by leave, made a brief personal statement in relation to the granting of leave to present non-conforming petitions.

3. Ministerial Statement - Parliamentary Sitting Dates 2008

The Leader of the House made a Ministerial Statement with respect to the 2008 parliamentary sitting dates of the Legislative Council.

The Leader of the House tabled the 2008 parliamentary sitting dates of the Legislative Council. (Tabled paper 3106).

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

4. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers

Management of Native Vegetation Clearing (Report No. 8) (Deemed tabled 05/09/2007)..... 3094

Minister for Local Government

Local Laws -

Local Government Act 1995 (City of Canning Control and Keeping of Cats Local Law 2007

G.G. 21/08/2007 and Town of Claremont Standing Orders Local Law 2007 G.G. 23/08/2007)..... 3095

Regulations -

Local Government Act 1995 (Local Government (Administration) Amendment Regulations 2007 G.G. 21/08/2007, Local Government (Constitution) Amendment Regulations 2007 G.G. 21/08/2007, and Local Government (Rules of Conduct) Regulations 2007 G.G. 21/08/2007).....	3096
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Local Government (Miscellaneous Provisions) Act 1960 (Building Amendment Regulations (No. 3) 2007 G.G. 21/08/2007)	3097
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School Education Act 1999 (School Education Amendment Regulations 2007 G.G. 24/08/2007)	3098
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Statutes -

University of Western Australia Act 1911 (University of Western Australia - Amending Statute No. 1 of 2007 G.G. 24/08/2007).....	3099
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Minister for Child Protection*Codes -*

Human Tissue and Transplant Act 1982 (Non-Coronial Post-Mortem Examinations Code of Practice 2007 G.G. 24/08/2007)	3100
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Notices -

Supreme Court Act 1935 (Rule of Court - Sittings and Winter Vacation for 2008 G.G. 24/08/2007)....	3101
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Regulations -

Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment Regulations (No. 3) 2007 G.G. 24/08/2007).....	3102
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Warehousemen's Liens Act 1952 (Warehousemen's Liens Amendment Regulations 2007 G.G. 24/08/2007).....	3103
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Rules -

Magistrates Court Act 2004 (Magistrates Court (Civil Proceedings) Amendment Rules 2007 G.G. 24/08/2007, Magistrates Court (General) Amendment Rules 2007 G.G. 24/08/2007, and Magistrates Court (Minor Cases Procedure) Amendment Rules 2007 G.G. 24/08/2007)	3104
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5. Building Industry Sustainability Index

Motion No. 47 having been called, debate resumed on the amendment of Hon Paul Llewellyn as follows -

To delete -

“

- (5) Explains why it wishes to add to the financial burden already being experienced by first-home buyers.

”

to the motion of Hon Ray Halligan as follows -

That this House insists that, before the Five Star Plus scheme is introduced as a regulatory regime in Western Australia, the Government -

- (1) Listens to the housing industry in Western Australia.
- (2) Provides an audited cost-benefit analysis of the proposed regime.
- (3) Includes in that analysis the additional costs to taxpayers to administer the scheme.
- (4) Identifies other regimes that have been examined and why Five Star Plus is preferred.

- (5) Explains why it wishes to add to the financial burden already being experienced by first-home buyers.

6. Questions Without Notice

Questions without notice were taken.

The Minister for Regional Development representing the Minister for Police and Emergency Services tabled, and by leave incorporated into Hansard, an answer in relation to Police Officers, staff and personnel in a number of regions and portfolios, in response to a question without notice asked by Hon George Cash. (Tabled paper 3107).

The Minister for Regional Development representing the Minister for Corrective Services tabled, and by leave incorporated into Hansard, an answer in relation to current average sentence length and the average actual time served by offenders in Western Australian jails for various serious crimes, in response to a question without notice asked by Hon Donna Faragher. (Tabled paper 3108).

7. Building Industry Sustainability Index

Debate resumed on the amendment of Hon Paul Llewellyn to the motion of Hon Ray Halligan (cf item 5 above).

Interruption of Debate [SO 195].

8. Order of Business

Ordered - That Orders of the Day Nos 456, *Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2007 - Disallowance* and 457, *Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2007 - Disallowance*, be taken after Order of the Day No. 371, *Police Amendment Bill 2006*. (Leader of the House).

9. Taxi Amendment Bill 2007

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved, That the report be adopted.

Question - put and passed.

Ordered - That the third reading of the Bill be made an Order of the Day for the next sitting.

10. Acts Amendment (Consent to Medical Treatment) Bill 2006

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

Debate resumed.

Question - put.

The House divided.

Ayes (23)

Hon Ken Baston
 Hon George Cash
 Hon Kim Chance
 Hon Murray Criddle
 Hon Sue Ellery
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Adele Farina
 Hon Jon Ford
 Hon Graham Giffard
 Hon Nigel Hallett
 Hon Ray Halligan

Hon Barry House
 Hon Paul Llewellyn
 Hon Robyn McSweeney
 Hon Norman Moore
 Hon Simon O'Brien
 Hon Louise Pratt
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Giz Watson
 Hon Bruce Donaldson (*Teller*)

Noes (5)

Hon Shelley Archer
 Hon Vincent Catania
 Hon Kate Doust

Hon Helen Morton
 Hon Ed Dermer (*Teller*)

Question thus passed.

Bill read a second time.

Hon Helen Morton moved, without notice -

That Order of the Day No. 362, the *Acts Amendment (Consent to Medical Treatment) Bill 2006* be discharged and referred to the Standing Committee on Legislation for consideration and report by 18 October 2007.

Debate ensued.

Question - put and passed.

The Order of the Day discharged and the Bill referred to the Standing Committee on Legislation.

11. State Superannuation Amendment Bill 2007

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

Debate resumed.

On the motion of the Minister for Government Enterprises the debate was adjourned to the next sitting.

12. Fiona Stanley Hospital Construction Account Bill 2007

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

Debate resumed.

On the motion of the Parliamentary Secretary representing the Treasurer the debate was adjourned to the next sitting.

13. Fish Resources Management Amendment Bill 2006

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

Debate resumed.

The Minister for Fisheries sought leave of the House to continue his remarks at the next sitting.

Leave granted.

On the motion of the Minister for Fisheries the debate was adjourned to the next sitting.

14. National Environment Protection Council (Western Australia) Amendment Bill 2007

The Deputy President reported the receipt of Message No. 239 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for the Environment moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for the 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.

15. Terrorism (Preventative Detention) Amendment Bill 2007

The Deputy President reported the receipt of Message No. 240 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Regional Development representing the Minister for Police and Emergency Services moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Regional Development representing the Minister for Police and Emergency Services moved, That the Bill be now read a second time.

Debate stands adjourned.

16. Rottnest Island Authority Amendment Bill 2007

The Deputy President reported the receipt of Message No. 241 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Tourism moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Tourism moved, That the Bill be now read a second time.

Debate stands adjourned.

17. Child Support (Adoption of Laws) Amendment Bill 2007

The Deputy President reported the receipt of Message No. 242 from the Legislative Assembly forwarding the Bill for concurrence.

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

Debate stands adjourned.

18. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.53pm until Thursday, 6 September 2007 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Barbara Scott.

MIA BETJEMAN

Clerk of the Legislative Council

HON NICK GRIFFITHS

President of the Legislative Council