

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 157

TUESDAY, 18 SEPTEMBER 2007

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 Helen Morton presented a petition from 2 703 residents of Western Australia requesting the Legislative Council oppose the closure of Royal Perth Hospital. (Tabled paper 3129).

3. Ministerial Statement - West Coast Demersal Scalefish - Management Plan

The Minister for Fisheries made a Ministerial Statement with respect to the launch of the West Coast Demersal Scalefish initiative.

The Minister for Fisheries tabled a report by the Fisheries Research and Development Corporation titled *Spatial scales of exploitation among populations of demersal scalefish: implications for management. Part 1: Stock status of the key indicator species for the demersal scalefish fishery in the West Coast Bioregion. Final FRDC Report - Project 2003/052*, BS Wise, J St John and RC Lenanton (Editors). (Tabled paper 3130).

The Minister for Fisheries tabled a report titled *Managing the Recreational Catch of Demersal Scalefish on the West Coast: Future Management Scenarios for Community Consideration*, Fisheries Management Paper No. 225, September 2007, Department of Fisheries. (Tabled paper 3131).

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

4. Papers

The following Papers were laid on the Table by -

Leader of the House

Codes -

Electricity Industry Act 2004 (Electricity Networks Access Code Amendments (No. 2) 2007
G.G. 29/08/2007)..... 3115

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Agreement between the Government of Australia and the Government of the
Kingdom of Tonga relating to Air Services, done at Neiafu, Tonga on
23 August 2003 3116

Constitutional amendments to the Convention Establishing the World Intellectual Property Organization and other WIPO administered treaties adopted by the WIPO General Assemblies in September 1999 and October 2003	3117
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Withdrawal of Australia's exemption for the use of mirex under Article 4 of the Stockholm Convention on Persistent Organic Pollutants, done at Stockholm on 22 May 2001.....	3118
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Reports -

Water Corporation - Statement of Corporate Intent (2006-2007)	3119
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Minister for Local Government

Annual Reports -

Local Government Advisory Board (2006-2007) (Date received 06/09/2007).....	3120
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Metropolitan Cemeteries Board (2006-2007) (Date received 18/09/2007).....	3121
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Local Laws -

Local Government Act 1995 (City of Armadale - Parking and Parking Facilities Amendment Local Law 2007 G.G. 31/08/2007 and Shire of Esperance Private Property Amendment Local Law 2007 G.G. 31/08/2007)	3122
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Minister for Regional Development

Management Plans -

Fish Resources Management Act 1994 (Broome Prawn Fishery Management Plan Amendment 2007 [826] G.G. 31/08/2007).....	3123
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Minister for Child Protection

Annual Reports -

Occupational Therapists' Board (For the year ending 31 December 2006) (Date received 11/09/2007)	3124
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Physiotherapists Registration Board (For the year ending 31 December 2006) (Date received 18/09/2007)	3125
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Codes -

Occupational Safety and Health Act 1984 - Occupational Safety and Health in the Western Australian Public Sector 2007.....	3126
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Notices -

Occupational Safety and Health Act 1984 - Occupational Safety and Health Code of Practice - Occupational Safety and Health in the Western Australian Public Sector 2007, published in the Government Gazette on 10 August 2007.....	3127
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Parliamentary Secretary representing the Minister for Planning and Infrastructure

Regulations -

Armadale Redevelopment Act 2001 (Armadale Redevelopment Amendment Regulations 2007 G.G. 31/08/2007).....	3128
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5. Standing Committee on Uniform Legislation and Statutes Review - Twentieth Report - Road Traffic Amendment Bill (No. 2) 2007

Hon Simon O'Brien presented the Twentieth Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Road Traffic Amendment Bill (No. 2) 2007*. (Tabled paper 3132).

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

Question - put and passed.

6. Standing Committee on Estimates and Financial Operations - Ninth Report - Interim Report of the Balga Works Inquiry: Request for a Member of the Legislative Assembly to appear before the Committee

Hon Giz Watson presented the Ninth Report of the Standing Committee on Estimates and Financial Operations in relation to the Interim Report of the Balga Works Inquiry: Request for a Member of the Legislative Assembly to appear before the Committee. (Tabled paper 3133).

Hon Giz Watson moved, That the Report do lie upon the Table and be adopted and agreed to.

Ordered - That consideration of the Report be made an Order of the Day for the next day's sitting.

7. Matter of Urgency - Local Communities - Decision Making

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 that this House expresses its grave concern at the arrogance being shown by the State Government in making decisions affecting local communities without taking all proper steps to ensure that these communities are fully consulted.

Yours sincerely

Hon Ray Halligan

Member for the North Metropolitan Region

Four members having risen in support.

Hon Ray Halligan moved the motion.

Debate ensued.

Hon Peter Collier, by leave, tabled and incorporated into Hansard, a letter in relation to community opposition to the Wubin School closure. (Tabled paper 3134).

Debate resumed.

Motion lapsed.

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. 300, *Sunset Hospital Site Bill 2006*. (Minister for Local Government).

9. 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.

10. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Energy tabled a list of names of members of advisory bodies and whether any of these members received payments, under the Minister for Energy's portfolio, in response to question on notice No. 5067 asked by Hon Helen Morton. (Tabled paper 3135).

The Minister for Child Protection representing the Minister for Health tabled a document providing details of nurse annual and long service leave applications and approvals for the financial year 2006 - 2007 for a number of hospitals in the metropolitan and regional areas, in response to question on notice No. 5078 asked by Hon Anthony Fels. (Tabled paper 3136).

11. Fiona Stanley Hospital Construction Account Bill 2007

Debate resumed on the second reading of this Bill (cf item 9 above).

Interruption of Debate [SO 61(b)].

12. Parental Support and Responsibility Bill 2005

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 243

The Legislative Assembly acquaints the Legislative Council that it has considered the amendments made by the Legislative Council in the *Parental Support and Responsibility Bill 2005*, has agreed to Amendments Nos 1 to 3, 5, 9, 13, 37, 38, 46 and 47; has disagreed to Amendments Nos 4, 6 to 8, 10 to 12, 14, 16, 18, 19, 23 to 36, 39 to 45, 49 and 50; has disagreed to Amendments Nos 15, 17 and 20 to 22 and substituted new amendments in their place, and has agreed to Amendment No. 48 subject to further amendments, as set forth in the Schedule annexed, in which the Legislative Assembly desires the Legislative Council's concurrence.

Schedule showing the amendments substituted by the Legislative Assembly for the amendments made by the Legislative Council and the amendments made to the amendment by the Legislative Council in the Parental Support and Responsibility Bill 2005.

Amendment No. 15

Amendment disagreed to and the following amendments substituted –

Clause 12.

Page 10, line 5 – To delete “(Community Development)” and substitute –

“ (Child Protection) ”.

Page 10, line 6 – To delete “(Justice)” and substitute –

“ (Corrective Services) ”.

Amendment No. 17

Amendment disagreed to and the following amendment substituted –

Clause 14.

Page 12, lines 9 and 10 – To delete “an order under section 30 of the *Child Welfare Act 1947*” and substitute –

“ a protection order under the *Children and Community Services Act 2004* ”.

Amendment No. 20

Amendment disagreed to and the following amendment substituted –

Clause 17.

Page 13, line 23 – To delete “Disciplinary” and substitute –

“ Discipline ”.

Amendment No. 21

Amendment disagreed to and the following amendment substituted –
 Clause 18.

Page 14, lines 5 to 9 – To delete the lines and substitute –

“

- (c) no protection order under the *Children and Community Services Act 2004* is in force in respect of the child;
- (d) no protection proceedings under the *Children and Community Services Act 2004* are pending in respect of the child;

”.

Amendment No. 22

Amendment disagreed to and the following amendment substituted –
 Clause 19.

Page 16, lines 1 and 2 – To delete “an order under section 30 of the *Child Welfare Act 1947*” and substitute –

“ a protection under the *Children and Community Services Act 2004* ”.

Amendment No. 48

Amendment disagreed to and the following amendments substituted –

New clause 37(1) is amended after paragraph (b) by deleting “or” and inserting –

“

- (c) a person who is or was a parent to whom a responsible parenting order is or was directed or in respect of whom an application for such an order has been made;
- (d) a person who is or was a child in respect of whom a responsible parenting order was made or an application for such an order has been made; or

”.

New clause 37(1)(c) is amended by inserting after “agreement” –

“ , interim responsible parenting order or responsible parenting order ”.

After new clause 37(3) the following subclause is inserted –

“

- (4) Subsection (1) does not apply to information or material contained in a report of proceedings to which section 35(1) of the *Children’s Court of Western Australia Act 1988* applies.

”.

Mrs J. Hughes
 Acting Speaker

Legislative Assembly Chamber
 Perth, 6 September 2007

Ordered - That consideration, in Committee, of Message No. 243 be made an Order of the Day for the next sitting.

13. Surrogacy Bill 2007

The Acting President reported the receipt of Message No. 244 from the Legislative Assembly forwarding the Bill for concurrence.

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

Debate stands adjourned.

14. Human Reproductive Technology Amendment Bill 2007

The Acting President reported the receipt of Message No. 245 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Child Protection representing the Minister for Health 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 Health 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.

15. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.33pm until Wednesday, 19 September 2007 at 4.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Shelley Archer, Hon Bruce Donaldson, Hon Kate Doust, Hon Paul Llewellyn, Hon Robyn McSweeney, Hon Louise Pratt and Hon Sally Talbot.

MALCOLM PEACOCK
Acting Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council