

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 195

THURSDAY, 3 APRIL 2008

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### 1. Meeting of Council

The Council assembled at 11.00am pursuant to Temporary Order.

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

### 2. Petitions

Hon Donna Faragher presented a petition from 4 709 residents of Western Australia requesting the Legislative Council support the introduction of mandatory gaol terms on people who use violence against public officers. (Tabled paper 3863).

Hon Simon O'Brien, by leave, presented a non-conforming petition from 393 residents of Western Australia requesting the Legislative Council oppose the export of containerised lead concentrate through the port of Fremantle. (Tabled paper 3864).

### 3. Standing Committee on Legislation - Surrogacy Bill 2007 - Extension of Reporting Time

Hon Graham Giffard presented a Report of the Standing Committee on Legislation in relation to the *Surrogacy Bill 2007* seeking an extension of time to report from 10 April 2008 to 8 May 2008. (Tabled paper 3865).

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

Question - put and passed.

### 4. Hon Anthony Fels - Evidence to Select Committee of Privilege On A Matter Arising In The Standing Committee on Estimates and Financial Operations

Hon Anthony Fels: To move on the next day of sitting -

That the Clerk of the Legislative Council Table in the House, within three sitting days of the order of the House, all transcripts of evidence given by the Hon Anthony Fels to the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations.

### 5. Select Committee on Country Health Services - Establishment

Hon Wendy Duncan: To move on the next day of sitting -

- (1) A committee of three members is appointed, any two of whom constitute a quorum.
- (2) The committee and the proceedings of the committee are subject to Chapter XXII of Standing Orders and it is to be regarded for all purposes as a committee appointed under that chapter.

- (3) The committee is to inquire and report on -
  - (a) the capacity of the country health system to provide adequate emergency and primary health care to regional people;
  - (b) the level of services and staff in each hospital and nursing post and the consequential ability to cater to the relative population; and
  - (c) the effect of the current policy of metro-centric bureaucracy on the delivery of services by the WA Country Health Service and the effectiveness of this service.
- (4) The committee may present interim reports without a requirement for leave.
- (5) The committee is to report to the House no later than 31 August 2008.

## 6. Daylight Saving Amendment Bill (No. 3) 2007

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

Question - put and passed.

Bill read a second time.

The President left the Chair.

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### In Committee

(Hon George Cash in the Chair)

Clause 1 agreed to.

Clauses 2 to 5 agreed to.

Title.

Question - put.

The Committee divided.

### Ayes (15)

Hon Ken Baston  
 Hon George Cash  
 Hon Wendy Duncan  
 Hon Brian Ellis  
 Hon Anthony Fels  
 Hon Nigel Hallett  
 Hon Ray Halligan  
 Hon Barry House

Hon Paul Llewellyn  
 Hon Robyn McSweeney  
 Hon Norman Moore  
 Hon Simon O'Brien  
 Hon Barbara Scott  
 Hon Giz Watson  
 Hon Bruce Donaldson (*Teller*)

### Noes (11)

Hon Matt Benson-Lidholm  
 Hon Kim Chance  
 Hon Kate Doust  
 Hon Jon Ford  
 Hon Graham Giffard  
 Hon Sheila Mills

Hon Batong Pham  
 Hon Ljiljanna Ravlich  
 Hon Sally Talbot  
 Hon Ken Travers  
 Hon Ed Dermer (*Teller*)

Question thus passed.

Title agreed to.

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

Hon Norman Moore, by leave, moved, That the Bill be now read a third time.

The President having reported that the 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.

## **7. Homelessness - Motion**

Pursuant to Temporary Order, Hon Robyn McSweeney moved, without notice -

That this House expresses its strong concern at the alarming increase in the number of homeless people in Western Australia during the term of the Labor Government.

Debate ensued.

*Interruption pursuant to Temporary Order.*

## **8. Order of Business**

Ordered - That Orders of the Day Nos 568, *Rights in Water and Irrigation Amendment Regulations (No. 3) 2007 - Disallowance* and 571, *Shire of Harvey Local Law Relating to Signs and Other Advertising Devices 2007 - Disallowance*, be taken after Order of the Day No. 538, *Legal Profession Bill 2007*. (Leader of the House).

## **9. Duties Bill 2007 and Duties Legislation Amendment Bill 2007**

The Orders of the Day having been read for the third reading of these Bills.

The Leader of the House on behalf of the Parliamentary Secretary representing the Treasurer moved, That the Bills be now read a third time.

The Acting President having reported that the Chairman of Committees had certified that the fair prints of the Bills were in accordance with the Bills as agreed to in Committee, and reported.

Question - put and passed.

Bills read a third time and passed.

## **10. Treasurer's Advance Authorisation Bill 2008**

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

Debate resumed.

### *Want of Quorum*

There not being a quorum present, the Acting President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

### *Want of Quorum*

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

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**In Committee**

(Hon George Cash in the Chair)

Clause 1 agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3.

Debate ensued.

Clause agreed to.

Title agreed to.

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The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Parliamentary Secretary representing the Treasurer, by leave, moved, That the Bill be now read a third time.

The Acting President having reported that the 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.

**11. Contractual Benefits Bill 2007**

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

Debate resumed.

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

Leave granted.

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

**12. Parental Support and Responsibility Bill 2005**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 307

The Legislative Assembly acquaints the Legislative Council that it has agreed to the substituted amendments and further amendment made by the Legislative Council in the *Parental Support and Responsibility Bill 2005*.

Mr A.P. O’Gorman

Acting Speaker

Legislative Assembly Chamber

Perth, 3 April 2008.

**13. Employment Dispute Resolution Bill 2007**

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

Debate resumed.

Hon Ray Halligan sought leave of the House to continue his remarks at a later stage of this day's sitting.

Leave granted.

Debate resumed.

Question - put and passed.

Bill read a second time.

*Interruption pursuant to Temporary Order.*

#### **14. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for the Environment on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled, and by leave incorporated into Hansard, an answer in tabular format in relation to the average weekday traffic count on the Kwinana Freeway for March 2008, in response to a question without notice asked by Hon Norman Moore on behalf of Hon Simon O'Brien. (Tabled paper 3866).

The Minister for Youth tabled, and by leave incorporated into Hansard, an answer in relation to youth homelessness in Western Australia, in response to a question without notice asked by Hon Shelley Archer. (Tabled paper 3867).

The Minister for Local Government representing the Minister for Housing and Works in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 5962 asked by Hon Wendy Duncan will be provided on 10 April 2008.

The Parliamentary Secretary representing the Minister for the Environment by leave incorporated into Hansard an answer in relation to the shooting of kangaroos in Western Australia, in response to a question without notice asked by Hon Paul Llewellyn.

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

The Order of the Day for the consideration of this Bill, in Committee, having been read.

The President left the Chair.

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#### **In Committee**

(Hon Sheila Mills in the Chair)

Clauses 1 and 2 agreed to.

Clause 3.

The Minister for Employment Protection moved -

Page 2, line 18 — To insert after "Act" —

“

or any other agreement or arrangement prescribed under the IR Act section 113 for the purposes of this definition

”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 4 to 31 agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported with amendment.

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

**16. Order of Business**

Ordered - That Order of the Day No. 273, *Food Bill 2005*, be taken forthwith. (Leader of the House).

**17. Food Bill 2005**

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

Debate resumed.

*Interruption pursuant to Temporary Order.*

**18. Adjournment**

The House adjourned at 6.00pm until Tuesday, 8 April 2008 at 3.00pm.

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

Attendance: Present all Members except Hon Adele Farina.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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