

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 194

WEDNESDAY, 2 APRIL 2008

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. Papers

The following Papers were laid on the Table by -

President

Letters -

Letter, dated 2 April 2008, from the President of the Legislative Council to Mr Allen
and Letter, dated 27 March 2008, from Mr Allen to the President and Speaker,
regarding the Corruption and Crime Commission "Report on a matter relating
to the Functions of the Commission" 3856

Leader of the House

By-laws -

Water Agencies (Powers) Act 1984 (Metropolitan Water Supply, Sewerage and Drainage
Amendment By-laws (No. 2) 2008 G.G. 28/03/2008) 3842

Regulations -

Marketing of Potatoes Act 1946 (Marketing of Potatoes Amendment Regulations 2008
G.G. 18/03/2008)..... 3843

Leader of the House on behalf of the Minister for Local Government

Local Laws -

Dog Act 1976 (City of Joondalup Animals Amendment Local Law 2008 G.G. 28/03/2008) 3844

Local Government Act 1995 (City of Fremantle Parking Amendment Local Law 2008
G.G. 18/03/2008, City of Joondalup Parking Amendment Local Law 2008 G.G. 28/03/2008
and Shire of Murray Repeal Local Law 2008 G.G. 18/03/2008) 3845

Minister for Employment Protection*Management Plans -*

Fish Resources Management Act 1994 (Abalone Management Plan Amendment 2008 [850] G.G. 18/03/2008 West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 2008 [865] G.G. 28/03/2008).....	3846
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Orders -

Fish Resources Management Act 1994 (Prohibition on Commercial Fishing (Metropolitan Waters) Revocation Order 2008 [866] G.G. 28/03/2008)	3847
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Regulations -

Community Protection (Offender Reporting) Act 2004 (Community Protection (Offender Reporting) Amendment Regulations 2008 G.G. 28/03/2008)	3848
Court Security and Custodial Services Act 1999 (Court Security and Custodial Services Amendment Regulations 2008 G.G. 18/03/2008)	3849
Emergency Management Act 2005 (Emergency Management Amendment Regulations 2008 G.G. 18/03/2008)	3850
Prisons Act 1981 (Prisons Amendment Regulations 2008 G.G. 28/03/2008)	3851

Minister for Child Protection*Regulations -*

Fines, Penalties and Infringement Notices Enforcement Act 1994 (Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 3) 2008 G.G. 27/03/2008).....	3852
Sentencing Act 1995 (Sentencing Amendment Regulations 2008 G.G. 27/03/2008)	3853

Rules -

State Administrative Tribunal Act 2004 (State Administrative Tribunal Amendment Rules 2008 G.G. 28/03/2008)	3854
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Parliamentary Secretary representing the Minister for Planning and Infrastructure*Regulations -*

Road Traffic Act 1974 (Road Traffic (Drivers' Licences) Amendment (Revealing Impairments) Regulations 2008 G.G. 17/03/2008)	3855
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3. Health, Education and Law and Order - Crises

Motion No. 63 having been called, debate resumed on 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.

The Leader of the House, by leave, tabled a list of law and order legislation that the Government has passed since 2003. (Tabled paper 3857).

The Leader of the House moved -

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 ”.

Debate ensued.

Interruption pursuant to Temporary Order.

4. Questions Without Notice

Questions without notice were taken.

The Minister for Fisheries tabled, and by leave incorporated into Hansard, documents in relation to research information on the biology of dhufish, pink snapper and baldchin groper, and stock assessment detailed in Fisheries Research Report 163, in response to a question without notice asked by Hon Barry House. (Tabled paper 3858).

The Minister for Local Government representing the Minister for Education and Training tabled, and by leave incorporated into Hansard, documents in relation to details of the Implementation Committee for the new Greenwood Primary School, in response to a question without notice asked by Hon Ray Halligan. (Tabled paper 3859).

The Minister for Local Government representing the Minister for Education and Training tabled, and by leave incorporated into Hansard, documents in relation to details in relation to the cancellation of the Early Childhood Education programme at the Geraldton Combined Universities Centre, in response to a question without notice asked by Hon Ken Baston. (Tabled paper 3860).

The Minister for Local Government representing the Minister for Education and Training in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 5944 asked by Hon Shelley Archer will be provided by 10 April 2008.

The Minister for Local Government representing the Minister for Indigenous Affairs in accordance with Standing Order No 138(d), advised that an answer to questions on notice Nos 5952 and 5941 asked by Hon Shelley Archer will be provided on 10 April 2008.

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. 5953 asked by Hon Shelley Archer will be provided on 10 April 2008.

5. Consideration of Committee Reports and Ministerial Statements

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

In Committee

(Hon George Cash in the Chair)

Select Committee into Public Obstetric Services - Report

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

Debate ensued.

The Minister for Child Protection sought leave of the House to continue her remarks at the next day's sitting.

Leave granted.

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

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

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

Interruption pursuant to Temporary Order.

The Acting President resumed the Chair.

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

- (1) Select Committee into Public Obstetric Services - Report, made progress, and asked leave to sit again.
- (2) Local Government Structure and Electoral Reform in Western Australia - Ministerial Statement, made progress, and asked leave to sit again.

Report adopted.

6. 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).

7. State Supply Commission Amendment Bill 2007

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

The Parliamentary Secretary representing the Deputy Premier 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.

8. Duties Bill 2007 and Duties Legislation Amendment Bill 2007

The Orders of the Day for the further consideration of these Bills, in Committee, having been read.

The Acting President left the Chair.

In Committee

(Hon Graham Giffard in the Chair)

Duties Bill 2007

Clauses 100 and 101 agreed to.

Clause 102.

Debate ensued.

Clause agreed to.

Clauses 103 and 104 agreed to.

Clause 105.

Debate ensued.

Clause agreed to.

Clauses 106 to 109 agreed to.

Clause 110.

Debate ensued.

Clause agreed to.

Clauses 111 to 120 agreed to.

Clause 121.

Debate ensued.

Clause agreed to.

Clauses 122 to 131 agreed to.

Clause 132.

Debate ensued.

Clause agreed to.

Clauses 133 to 140 agreed to.

Clause 141.

Debate ensued.

Clause agreed to.

Clauses 142 to 146 agreed to.

Clause 147.

Debate ensued.

The Parliamentary Secretary representing the Treasurer, by leave, tabled a document relating to the Budget 2007-2008 and the cost of the First Home Buyer stamp duty exemption. (Tabled paper 3861).

Debate resumed.

Clause agreed to.

Clauses 148 to 150 agreed to.

Clause 151.

Debate ensued.

Clause agreed to.

Clauses 152 to 154 agreed to.

Clause 155.

Debate ensued.

The Parliamentary Secretary representing the Treasurer, by leave, tabled a document being a Department of Treasury and Finance briefing note titled "Landholder - Revenue Impact". (Tabled paper 3862).

Clause agreed to.

Clauses 156 to 204 agreed to.

Clause 205.

Debate ensued.

Clause agreed to.

Clauses 206 to 256 agreed to.

Clause 257.

Debate ensued.

Clause agreed to.

Clauses 258 to 267 agreed to.

Clause 268.

Debate ensued.

Clause agreed to.

Clauses 269 to 286 agreed to.

Schedule 1 agreed to.

Schedule 2.

Debate ensued.

Schedule agreed to.

Schedule 3 agreed to.

Title agreed to.

Duties Legislation Amendment Bill 2007

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clauses 5 to 52 agreed to.

Schedule 1 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bills reported without amendment.

Report adopted.

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

9. Joint Standing Committee on the Corruption and Crime Commission - Membership

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 306

The Legislative Assembly acquaints the Legislative Council that Mr M.J. Birney MLA, has been appointed to the Joint Standing Committee on the Corruption and Crime Commission to fill the vacancy caused by the resignation of Mr J.H.D. Day MLA.

Mr G.A. Woodhams MLA

Acting Speaker

Legislative Assembly Chamber

Perth, 2 April 2008

10. Mines Safety and Inspection Amendment 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.

Interruption pursuant to Temporary Order.

11. Members' Statements

Statements were taken.

12. Adjournment

The House adjourned at 9.46pm until Thursday, 3 April 2008 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Robyn McSweeney and Hon Batong Pham.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council