

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 73

WEDNESDAY, 3 MARCH 2010

1. Meeting of Council

The Council assembled at 4.00pm pursuant to order.

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

2. Messages from His Excellency the Governor - Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills -

3 December 2009 - Message No. 80	Act No.
Acts Amendment (Weapons) Bill 2009	34 of 2009
Gas Supply (Gas Quality Specifications) Bill 2009	35 of 2009
Occupational Safety and Health Legislation Amendment Bill 2009	36 of 2009
Fish Resources Management Amendment Bill 2009	37 of 2009
Fisheries Adjustment Schemes Amendment Bill 2009	38 of 2009
Road Traffic Legislation Amendment (Registration Labels) Bill 2009	39 of 2009
Higher Education Amendment Bill 2009	40 of 2009
Royalties for Regions Bill 2009	41 of 2009
Police Amendment Bill 2009	42 of 2009
Arson Legislation Amendment Bill 2009	43 of 2009
Criminal Code Amendment Bill (No. 2) 2009	44 of 2009
Mines Safety and Inspection Amendment Bill 2009	45 of 2009
Statutes (Repeals and Minor Amendments) Bill 2009	46 of 2009
National Environment Protection Council (Western Australia) Amendment Bill 2009	47 of 2009
7 December 2009 - Message No. 81	Act No.
Waste Avoidance and Resource Recovery Amendment Bill 2009	48 of 2009

3. Petitions

Hon Nick Goiran presented a petition, by delivery to the Clerk, [SO 130], from 36 petitioners requesting the Legislative Council oppose euthanasia. (Tabled paper 1763).

Hon Nick Goiran presented a petition, by delivery to the Clerk, [SO 130], from 47 petitioners requesting the Legislative Council oppose euthanasia. (Tabled paper 1764).

Hon Ken Baston presented a petition from 1 129 petitioners requesting the Legislative Council recommend a review of the judiciary to evaluate criminal sentencing and delivery of justice to the community in the Carnarvon and Gascoyne Region. (Tabled paper 1765).

Hon Nick Goiran presented a petition from 679 petitioners requesting the Legislative Council support the preservation of leased shack-site communities for alternative recreational holiday destinations for Western Australians. (Tabled paper 1766).

Hon Nick Goiran presented a petition from 920 petitioners requesting the Legislative Council oppose euthanasia. (Tabled paper 1767).

Hon Michael Mischin presented a petition from 48 petitioners requesting the Legislative Council to recommend an investigation into the approval of a strawberry packaging shed on a rural resource property by the City of Wanneroo. (Tabled paper 1768).

Hon Wendy Duncan presented a petition from 4 petitioners requesting the Legislative Council oppose the withdrawal of health services in the Derby/West Kimberley Shire. (Tabled paper 1769).

Hon Wendy Duncan, by leave, presented a non-conforming petition from 865 petitioners requesting the Legislative Council oppose the withdrawal of health services in the Derby/West Kimberley Shire. (Tabled paper 1770).

Hon Sally Talbot presented a petition from 133 petitioners requesting the Legislative Council oppose bauxite mining in the Shire of Chittering and Darling Range. (Tabled paper 1771).

4. Ministerial Statement - Homelessness National Partnership Agreement - Western Australian Implementation Plan

The Minister for Child Protection made a Ministerial Statement with respect to the State Government's roll-out of the Western Australian implementation plan under the Homelessness National Partnership Agreement.

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

5. Papers

The following Papers were laid on the Table by -

President

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Treaties tabled on 25 and 26 November 2009 - Agreement between Australia and the Republic of Lebanon regarding Cooperation on protecting the Welfare of Children (Beirut, 18 March 2009) - Agreement between Australia and the Republic of Poland on Social Security (Warsaw, 7 October 2009) - Second Protocol amending the Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Singapore for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income as amended by the Protocol of 16 October 1989 - Convention on the Conservation of Migratory Species of Wild Animals - Treaty between Australia and the Republic of India on Mutual Legal Assistance in Criminal Matters (Canberra, 23 June 2008).....	1605
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6. Genetically Modified Crops Free Areas Exemption Order - Disallowance

Hon Giz Watson: To move on the next day of sitting -

That the *Genetically Modified Crops Free Areas Exemption Order* published in the *Gazette* on 29 January 2010 and tabled in the Legislative Council on 3 March 2010 under the *Genetically Modified Crops Free Areas Act 2003*, be and is hereby disallowed.

7. Freedom of Information Process

Motion No. 1 having been called, Hon Ljiljanna Ravlich, pursuant to notice, moved -

That this House condemns the Premier for failing to honour his election commitment to review the manner in which Departments are administering the Freedom of Information (FOI) process, to ensure that the Government is accountable and open in accordance with the spirit of the FOI Act and calls on the Premier to explain why he has allowed a culture of arrogance, secrecy and of deliberately keeping information from the public to develop among his Cabinet Ministers when dealing with FOI requests.

Debate ensued.

8. Questions Without Notice

Questions without notice were taken.

The Minister for Transport tabled documents in relation to the Public Transport Authority's business case for the extension of the rail line to the Butler Area in response to question on notice No. 1388 asked by Hon Ken Travers. (Tabled paper 1772).

The Minister for Transport representing the Minister for Health tabled documents in relation to details on non-Government organisations that are funded by the Western Australian Government to provide health services in response to question on notice No. 1412 asked by Hon Giz Watson. (Tabled paper 1773).

The Minister for Energy tabled, and by leave incorporated into Hansard, documents in relation to average billing figures issued by Synergy for September and October in 2008 and 2009 in response to a question without notice asked by Hon Kate Doust. (Tabled paper 1774).

The Parliamentary Secretary representing the Minister for Housing and Works tabled documents in relation to the Final Report to the Department of Housing and Works produced by The Allen Consulting Group - Regulatory Impact Assessment of Stage Two of Five Star Plus (June 2008), in response to question on notice No. 1401 asked by Hon Lynn MacLaren. (Tabled paper 1775).

9. Freedom of Information Process

Debate resumed on the motion of Hon Ljiljanna Ravlich (cf item 7 above).

Interruption of Debate [SO 195].

10. Order of Business

Ordered - That Order of the Day No. 1, *Taxi Amendment Regulations (No. 2) 2009 - Disallowance*, be taken after Order of the Day No. 18, *Joint Standing Committee on Audit* (Leader of the House).

11. Cross-border Justice Amendment Bill 2009

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

Debate ensued.

Question - put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

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

Question - put and passed.

Bill read a third time and passed.

12. Standardisation of Formatting Bill 2009

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.

The Deputy President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Clause 1 agreed to.

Clauses 2 to 58 agreed to.

Clause 59.

Debate ensued.

The Parliamentary Secretary representing the Attorney General moved -

Page 204, line 10 to page 206, line 5 — To delete the lines.

Question - put and passed.

Clause 59, as amended, agreed to.

Clauses 60 to 63 agreed to.

Title.

Debate ensued.

The Parliamentary Secretary representing the Attorney General moved -

Page 1, line 6 — To insert after “**laws**” —

and to make other minor amendments for that purpose

Debate ensued.

Question - put and passed.

Title, as amended, agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

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

13. Child Exploitation Material and Classification Legislation Amendment Bill 2009

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

Debate ensued.

Interruption of Debate [SO 61(b)].

14. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.25pm until Thursday, 4 March 2010 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Mia Davies and Hon Max Trenorden.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council