

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 49

THURSDAY, 10 SEPTEMBER 2009

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### 1. Meeting of Council

The Council assembled at 11.00am pursuant to order.

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

### 2. Petition

Hon Jon Ford presented a petition from 234 petitioners requesting the Legislative Council oppose the introduction of new recreational fishing licences and fees. (Tabled paper 1134).

### 3. Ministerial Statement - Metropolitan Region Scheme Amendment No. 1100/33 - Canning Highway between Petra Street and Canning Bridge

The Minister for Environment on behalf of the Minister for Child Protection representing the Minister for Planning made a Ministerial Statement with respect to the Metropolitan Region Scheme Amendment No. 1100/33 - Canning Highway between Petra Street and Canning Bridge.

The Minister for Environment on behalf of the Minister for Child Protection representing the Minister for Planning tabled reports in relation to Metropolitan Region Scheme Amendment No. 1100/33 - Canning Highway between Petra Street and Canning Bridge. (Tabled paper 1133A-D).

The Minister for Environment on behalf of the Minister for Child Protection representing the Minister for Planning tabled plans in relation to Metropolitan Region Scheme Amendment No. 1100/33 - Canning Highway between Petra Street and Canning Bridge. (Tabled paper 1131A-B).

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

### 4. Ministerial Statement - Greater Bunbury Region Scheme Amendment No. 0003/41 - Waterloo Brickworks, Shire of Dardanup

The Minister for Environment on behalf of the Minister for Child Protection representing the Minister for Planning made a Ministerial Statement with respect to the Greater Bunbury Region Scheme Amendment No. 0003/41 - Waterloo Brickworks, Shire of Dardanup.

The Minister for Environment on behalf of the Minister for Child Protection representing the Minister for Planning tabled a report in relation to the Greater Bunbury Region Scheme Amendment No. 0003/41 - Waterloo Brickworks, Shire of Dardanup. (Tabled paper 1132).

The Minister for Environment on behalf of the Minister for Child Protection representing the Minister for Planning tabled plans in relation to the Greater Bunbury Region Scheme Amendment No. 0003/41 - Waterloo Brickworks, Shire of Dardanup. (Tabled paper 1130A-B).

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

#### **5. Ministerial Statement - Suicide Prevention - Government Strategy**

The Parliamentary Secretary representing the Minister for Mental Health made a Ministerial Statement with respect to the launch of the Government's strategy to reduce the number of suicides in Western Australia.

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

#### **6. Joint Standing Committee on Delegated Legislation - Thirty-Fourth Report - City of Joondalup Cats Local Law 2008**

Hon Robin Chapple presented the Thirty-Fourth Report of the Joint Standing Committee on Delegated Legislation in relation to the *City of Joondalup Cats Local Law 2008*. (Tabled paper 1135).

Hon Robin Chapple moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

Hon Robin Chapple, by leave, made a brief statement in relation to the report.

#### **7. Joint Standing Committee on the Commissioner for Children and Young People - Second Report - Annual Report 2008-2009**

Hon Helen Bullock presented the Second Report of the Joint Standing Committee on the Commissioner for Children and Young People being the *Annual Report 2008-2009*. (Tabled paper 1136).

Hon Helen Bullock moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

#### **8. Motions made Orders of the Day**

The Leader of the House moved, without notice -

That Motions Nos 19, *Recreation Activities within Public Drinking Water Source Areas*, and 20, *Standing Committee on Procedure and Privileges - Standing Orders Review*, be made Orders of the Day.

Debate ensued.

Question - put and passed.

#### **9. Child Death Review Committee - Recommendations**

Motion No. 1 having been called, Hon Sue Ellery continued her introductory remarks in moving -

That this House notes the recommendations of the *Group Analysis of Aboriginal Child Death Review Cases in which Chronic Neglect is Present* report of the Child Death Review Committee and calls on the Minister for Child Protection to provide quarterly reports to the House on the implementation of those recommendations.

*Interruption of Debate* [SO 195].

#### **10. Consideration of Committee Reports**

Pursuant to Standing Orders for the consideration of Committee Reports.

### In Committee

(Hon Matt Benson-Lidholm in the Chair)

#### **Standing Committee on Estimates and Financial Operations - Nineteenth Report - Follow-Up to Report 12 - Balga Works Program**

The Order of the Day having been read, Hon Giz Watson moved, That further consideration be postponed until the next sitting.

Question - put and passed.

#### **Standing Committee on Estimates and Financial Operations - Eighteenth Report - Budget of the Office of the Auditor General**

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

Debate ensued.

*Interruption of Debate* [SO 61A].

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The Deputy President resumed the Chair.

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

- (1) Standing Committee on Estimates and Financial Operations - Eighteenth Report - Budget of the Office of the Auditor General, made progress, and asked leave to sit again.

Report adopted.

### **11. Order of Business**

Ordered - That Orders of the Day Nos 1, *City of Joondalup Cats Local Law 2008 - Disallowance*, and 2, *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009 - Disallowance*, be taken after Order of the Day No. 10, *Road Traffic Amendment (Hoons) Bill 2009*. (Leader of the House).

### **12. Criminal Code Amendment Bill 2008**

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

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

The Deputy 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.

Debate ensued.

#### *Deputy President's Ruling*

The Deputy President ruled as follows -

I perhaps need to remind Members - this is particularly for the benefit of new Members - about the rules for a third reading debate. Members would have heard Hon Giz Watson comment on what she was allowed to talk about and what she was not allowed to talk about. However, it is not as simple as that. Generally speaking, the rules for a third reading are that Members cannot go over matters that were raised in the second reading debate. Members must be conveying new material or putting new arguments. However, the test overall as to whether Members are complying with the third reading rules is whether they are getting to the essence of whether they support the Bill or they do not support the Bill. Although the comments of Hon Philip Gardiner were wide ranging, and although some Members might argue that some of his comments were not applicable to the third reading debate, in the end Hon Philip Gardiner was explaining to the House why he would be supporting the third reading of the Bill. Therefore, his comments were quite within order. I need to remind Members that those are the rules, and they are there for good reason.

Debate resumed.

Question - put.

The House divided.

**Ayes (24)**

Hon Liz Behjat  
 Hon Matt Benson-Lidholm  
 Hon Helen Bullock  
 Hon Jim Chown  
 Hon Peter Collier  
 Hon Mia Davies  
 Hon Ed Dermer  
 Hon Phil Edman  
 Hon Sue Ellery  
 Hon Brian Ellis  
 Hon Donna Faragher  
 Hon Adele Farina

Hon Jock Ferguson  
 Hon Jon Ford  
 Hon Philip Gardiner  
 Hon Alyssa Hayden  
 Hon Col Holt  
 Hon Michael Mischin  
 Hon Norman Moore  
 Hon Simon O'Brien  
 Hon Ljiljanna Ravlich  
 Hon Sally Talbot  
 Hon Ken Travers  
 Hon Ken Baston (*Teller*)

**Noes (3)**

Hon Lynn MacLaren  
 Hon Alison Xamon

Hon Giz Watson (*Teller*)

Question thus passed.

Bill read a third time and passed.

**13. Tobacco Products Control Amendment Bill 2008**

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

Hon Giz Watson moved, That the Bill be now read a third time.

The Deputy President having reported that the Deputy 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.

**14. Ministerial Statement - Increased Autonomy for TAFE Colleges**

The Minister for Training, by leave, made a Ministerial Statement with respect to Increased Autonomy for TAFE Colleges.

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

**15. Co-operatives 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 Leader of the House moved, That the committee stage be taken at a later stage of this day's sitting.

Question - put and passed.

# **16. National Environment Protection Council (Western Australia) Amendment 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.

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

The Minister for Environment moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

# **17. Major Events (Aerial Advertising) Bill 2009**

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

The Deputy President left the Chair.

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## **In Committee**

(Hon Matt Benson-Lidholm in the Chair)

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3.

Hon Giz Watson moved -

Page 2, after line 16 — To insert —

but does not include advertising by a not-for-profit organisation or an organisation established for a public purpose;

Debate ensued.

Hon Giz Watson, by leave, withdrew her amendment.

Question - That the clause stand as printed - put and passed.

Clause 4 agreed to.

Clause 5.

Debate ensued.

# **18. Questions Without Notice**

Questions without notice were taken.

The Minister for Environment tabled, and by leave incorporated into Hansard, documents in relation to Department of Environment and Conservation officers sent to British Columbia to assist in fire-fighting, in response to a question without notice asked by Hon Adele Farina. (Tabled paper 1138).

The Parliamentary Secretary representing the Minister for Water tabled documents in relation to water extraction from the Gngara Mound groundwater bore, in response to question on notice No. 915 asked by Hon Alison Xamon. (Tabled paper 1139).

**19. Major Events (Aerial Advertising) Bill 2009**

The President left the Chair.

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**In Committee**

(Hon Jon Ford in the Chair)

Clause 5.

Debate resumed.

Clause agreed to.

Clauses 6 to 15 agreed to.

Clause 16.

Hon Giz Watson moved -

Page 11, line 19 — To delete “, subject to subsection (5)” and insert —

if the officer knowingly authorised or permitted the contravention

Page 11, lines 27 to 28 — To delete “, subject to subsection (5)” and insert —

if the officer knowingly authorised or permitted the contravention

Debate ensued.

Amendments - put and negatived.

Question - That the clause stand as printed - put and passed.

Clause 17 agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Leader of the House moved, That the Bill be now read a third time.

The Deputy President having reported that the Deputy 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.

*Point of Order*

Hon Ken Travers raised the following Point of Order -

I am not trying to cause trouble but I thought that a ruling had been made that when a Bill was debated in committee, even if amendments to it had not been agreed to, leave was required to be sought to move to the third reading.

*Deputy President's Ruling*

The Deputy President ruled as follows -

Hon Ken Travers is correct. However, a subsequent resolution by the House on 25 June 2008 states —

Provided that where a Bill passes through the Committee stage without amendment the third reading may immediately be moved and the Bill read a third time.

Question - put and passed.

Bill read a third time and passed.

## **20. Sittings of the House**

The Leader of the House moved, without notice -

That the House continue to sit beyond 5.00pm for the purpose of considering the  
*Co-operatives Bill 2009* in Committee.

Question - put and passed.

## **21. Order of Business**

Ordered - That Order of the Day No. 5, *Co-operatives Bill 2009*, be taken forthwith.

(Leader of the House).

## **22. Co-operatives Bill 2009**

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

The Deputy President left the Chair.

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### **In Committee**

(Hon Jon Ford in the Chair)

Clause 1 agreed to.

Clause 2.

The Parliamentary Secretary representing the Minister for Commerce moved -

Page 2, line 13 — To delete “paragraph (a);” and insert —

paragraph (b);

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 3 to 21 agreed to.

Clause 22.

The Parliamentary Secretary representing the Minister for Commerce moved -

Page 23, after line 28 — To insert —

- (4) Despite subsection (3), if a transferred co-operative would be registered with rules that give effect to a conversion from being a non-distributing co-operative to a distributing co-operative, or vice versa, the requirement to pass a special resolution is not satisfied unless the resolution is passed in accordance with the requirements in section 177(1)(c).

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 23 to 491 agreed to.

Clause 492.

The Parliamentary Secretary representing the Minister for Commerce moved -

Page 289, line 17 — To delete “this Act” and insert —

this section

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 493 to 518 agreed to.

Schedules 1 to 6 agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported with amendments.

Leave was granted to proceed forthwith through all remaining stages of the Bill at this day’s sitting.

The Parliamentary Secretary representing the Minister for Commerce moved, That the report be adopted.

Question - put and passed.

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

The Deputy President having reported that the Deputy 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.

### **23. Criminal Code Amendment Bill 2008**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 44

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council to the *Criminal Code Amendment Bill 2008*.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 10 September 2009



## **24. Professional Standards Amendment Bill 2009**

The Deputy President reported the receipt of Message No. 43 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Attorney General 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.

## **25. Adjournment**

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

Debate ensued.

The Parliamentary Secretary representing the Minister for Mental Health, by leave, tabled a document in relation to a Blank Page Summit on Suicide Communiqué - Billard Aboriginal Community (27-31 July 2009). (Tabled paper 1140).

Question - put and passed.

The House adjourned at 5.55pm until Tuesday, 15 September 2009 at 3.30pm.

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

Attendance: Present all Members except Hon Wendy Duncan, Hon Nigel Hallett, Hon Robyn McSweeney and Hon Max Trenorden.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council