

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 47

TUESDAY, 8 SEPTEMBER 2009

1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

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

2. Message from His Excellency the Governor - Assent to Bill

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill -

1 September 2009 - Message No. 58

Act No.

National Gas Access (WA) Bill 2008

16 of 2009

3. Petitions

Hon Giz Watson presented a petition, by delivery to the Clerk, [SO 130], from 3 294 petitioners requesting the Legislative Council oppose the development of a LNG processing hub on the Kimberley Coast. (Tabled paper 1081).

Hon Alison Xamon presented a petition from 898 petitioners requesting the Legislative Council oppose logging in the Mundlimup Forest, Jarrahdale. (Tabled paper 1082).

Hon Liz Behjat presented a petition from 1 552 petitioners requesting the Legislative Council oppose the Swan River crab fishery closure. (Tabled paper 1083).

Hon Liz Behjat presented a petition from 247 petitioners requesting the Legislative Council oppose the Swan River crab fishery closure. (Tabled paper 1084).

Hon Liz Behjat presented a petition from 95 petitioners requesting the Legislative Council oppose the Swan River crab fishery closure. (Tabled paper 1085).

4. Ministerial Statement - Training Together Working Together - Indigenous Employment

The Minister for Training made a Ministerial Statement with respect to the Aboriginal Training and Employment Initiative: *Training Together - Working Together*.

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

5. Ministerial Statement - Department of Training and Workforce Development - Establishment

The Minister for Training made a Ministerial Statement with respect to the establishment of the Department of Training and Workforce Development.

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

6. Ministerial Statement - Community Environmental Grants Program

The Minister for Environment made a Ministerial Statement with respect to community environmental and conservation groups funding.

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

7. Papers

The following Papers were laid on the Table by -

President

Annual Reports -

Auditor General, Office of the (2008 - 2009) (Deemed tabled 27/08/2009) 1062

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Nine Treaties tabled on 20 August 2009 1063

Report No. 103 - Treaties tabled on 12 March and 13 May 2009 1064

Reports -

Corruption and Crime Commission - Supplementary Report on the Investigation of
Alleged Public Sector Misconduct Linked to the Smiths Beach Development
at Yallingup (August 2009) (Deemed tabled 27/08/2009) 1065

Leader of the House

Regulations -

Coal Industry Superannuation Act 1989 (Coal Industry Superannuation Amendment Regulations
2009 G.G. 21/08/2009) 1066

Dangerous Goods Safety Act 2004 (Dangerous Goods Safety (Explosives) Amendment
Regulations 2009 G.G. 21/08/2009) 1067

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations
(No. 12) 2009 G.G. 18/08/2009) 1068

Mines Safety and Inspection Act 1994 (Mines Safety and Inspection Amendment Regulations
(No. 3) 2009 G.G. 21/08/2009) 1069

Response to Reports -

Standing Committee on Estimates and Financial Operations - Follow-up to Report
No. 12 on Balga Works Program (Report No. 19) (Premier) 1070

Standing Committee on Public Administration - Inquiry into Statutory Officer
Holders' Grievance Procedures (Report No. 10) (Premier) 1071

Minister for Transport

Regulations -

Road Traffic Act 1974 (Road Traffic (Charges and Fees) Amendment Regulations 2009
G.G. 18/08/2009) 1072

Minister for Energy*Annual Reports -*

State Witness Protection Program - Western Australia Police (2008-2009) (Date received 09/09/2008)..... 1073

Western Australian Police - Surveillance Devices Act 1998 (2008-2009) (Date received 07/09/2009)..... 1074

Regulations -

Fire and Emergency Services Superannuation Act 1985 (Fire and Emergency Services (Superannuation Fund) Amendment Regulations 2009 G.G. 21/08/2009)..... 1075

Statutes -

Curtin University of Technology Act 1966 (Statute No. 14 - Curtin University of Technology Foundation G.G. 21/08/2009)..... 1076

Minister for Child Protection*Ministerial Approvals -*

Armadale Redevelopment Act 2001 - To enter into an agreement of value over \$1 million - Champion Lakes Regatta Centre..... 1077

Minister for Environment*Leases -*

CALM Lease No. 2280/97 - Between CALM and the Shire of Serpentine - Portion of State forest No. 22..... 1078

Minister for Environment on behalf of the Parliamentary Secretary representing the Minister for Regional Development*Proposals -*

Land Administration Act 1997 - Submission No. 15/2009 - Cancellation of Class A Reserve 30281 - Shire of Cranbrook..... 1079

Parliamentary Secretary to the Attorney General*Regulations -*

Spent Convictions Act 1988 (Spent Convictions (Act Amendment) Regulations 2009 G.G. 18/08/2009)..... 1080

8. Standing Committee on Estimates and Financial Operations - Twenty-Third Report - Annual Hearings in Relation to the Budget Estimates 2009/10

Hon Giz Watson presented the Twenty-Third Report of the Standing Committee on Estimates and Financial Operations in relation to the *Annual Hearings in Relation to the Budget Estimates 2009/10*. (Tabled paper 1086).

Hon Giz Watson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

9. Recreation Activities within Public Drinking Water Source Areas

The Leader of the House: To move on the next day of sitting -

That the Standing Committee on Public Administration investigate —

- (1) The social, economic and environmental values and costs of recreation access, where possible, to Perth Hills and South West drinking water catchments including the costs

and benefits to public health, water quality, recreation, indigenous culture and management options.

- (2) State, interstate and international legislation, policy and practice for recreation within public drinking water source areas including information relating to population health benefits and impacts.
- (3) The range of community views on the value of water and recreation in public drinking water source areas.
- (4) The costs and benefits of alternative water quality management strategies and treatment for water catchments containing recreation.
- (5) Possible recreation sites/opportunities available outside the Perth Hills and South West drinking water catchments.

The Committee is to report to the House not later than 1 July 2010.

10. President's Ruling - Standing Order 72

The President ruled as follows -

Today my office received two urgency motions. One of those letters had been left on the chair of my Executive Assistant and no identified time of delivery was apparent. I remind Members that SO 72 requires Members to deliver in writing to the "President" and the President is to accept the first of them that is in order. A practice has developed where Members either provide, in person, the urgency motion to the Clerk or the Executive Assistant to the President. This has ensured the time of delivery can be verified. I suggest Members ensure that if I am unavailable on the Tuesday morning they submit the urgency motion with the Clerk directly who will record the time of delivery.

11. Matter of Urgency - Retail Trading Hours - Extension

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, the Opposition's support for the extension of retail trading hours at the last State election, and calls on the Opposition to support Government legislation to extend retail trading hours in the Perth metropolitan area, which will allow the residents and visitors to Perth alike the flexibility to shop whenever they choose after 6pm on weekdays.

Yours sincerely

Hon Liz Behjat

Member for North Metropolitan Region

Point of Order

Hon Sue Ellery raised the following Point of Order -

Mr President, I wonder if I might ask a question by way of clarification of the statement you made before you read out the urgency motion. I understood that your advice to Members was that they ought hand the prospective urgency motion to either the Clerk or your executive assistant for the purposes of determining the time the document was received. You then advised that you received by fax at three minutes past midnight the urgency motion before the House. The clarification I seek is that you will be satisfied with a printout from your fax machine, demonstrating the time your fax machine received the urgency motion.

President's Ruling

The President ruled as follows -

Leader of the Opposition, this urgency motion was received by my fax machine at three minutes past midnight, but it was later followed up with the original letter. I acknowledged that the lodgement of urgency motions by fax needs to be clarified, and I will make a statement about it tomorrow.

Four members having risen in support.

Hon Liz Behjat moved the motion.

Debate ensued.

Point of Order

Hon Sally Talbot raised the following Point of Order -

Mr President, I draw your attention to Standing Order 83 and ask that the Member table the speech he is reading from.

President's Ruling

The President ruled as follows -

Any Member is permitted to refer to notes when he or she speaks. Those notes can be very brief notes or they can be copious notes. If a document was being quoted word for word, the point of order would have some merit. At this stage I have no way of knowing for sure whether the Member is reading in total from a document or whether he is reading from notes. If the Member has a document that he wishes to table, of course he is at liberty to seek leave to table it. But I will be watching the debate with interest from this point.

Hon Phil Edman, by leave, tabled speech notes relating to the extension of retail trading hours. (Tabled paper 1087).

Motion lapsed.

12. 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. 16, *Road Traffic Amendment (Hoons) Bill 2009*. (Leader of the House).

13. City of Stirling - Thoroughfares and Public Places Local Law 2009 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice -

That Order of the Day No. 3, *City of Stirling - Thoroughfares and Public Places Local Law 2009 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

14. Criminal Code Amendment Bill 2008

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

The President left the Chair.

In Committee

(Hon Jon Ford in the Chair)

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Hon Giz Watson moved -

Page 2, lines 13 to 28 — To delete the lines.

Debate ensued.

Hon Giz Watson, by leave, tabled a letter dated 6 July 2009 from the Commissioner for Children and Young People to the Attorney General in relation to views regarding excluding young people from the mandatory sentencing provisions in the *Criminal Code Amendment Bill 2008*. (Tabled paper 1088).

Interruption of Debate [SO 61(c)].

15. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Corrective Services tabled documents in relation to the expression of interest for the provision of Police Custody Management Services, Court Custody Management Services, Prisoner Movement Services and Court Security Services, in response to a question without notice asked by Hon Giz Watson. (Tabled paper 1089).

The Minister for Energy representing the Minister for Education tabled, and by leave incorporated into Hansard, documents in relation to the Department of Education - science and language centres funding, in response to a question without notice asked by Hon Ed Dermer. (Tabled paper 1090).

The Minister for Mines and Petroleum tabled documents in relation to the Minister for Mines and Petroleum's record of contact with lobbyists from 23 September 2008 to 23 June 2009, in response to question on notice No. 821 asked by Hon Ljiljanna Ravlich. (Tabled paper 1091).

The Minister for Energy tabled documents in relation to the Minister for Energy's record of contact with lobbyists from 23 September 2008 to 23 June 2009, in response to question on notice No. 826 asked by Hon Ljiljanna Ravlich. (Tabled paper 1092).

The Minister for Child Protection tabled documents in relation to the Minister for Child Protection's record of contact with lobbyists from 23 September 2008 to 23 June 2009, in response to question on notice No. 828 asked by Hon Ljiljanna Ravlich. (Tabled paper 1093).

The Minister for Child Protection tabled documents in relation to the Department of Child Protection FTE allocation and vacancies for May 2009, in response to question on notice No. 976 asked by Hon Sue Ellery. (Tabled paper 1094).

The Minister for Child Protection representing the Minister for Agriculture and Food tabled documents in relation to the Department of Agriculture and Food's reviews, committees, inquiries and taskforces since 31 March 2009, in response to question on notice No. 1023 asked by Hon Ljiljanna Ravlich. (Tabled paper 1095).

The Minister for Child Protection tabled documents in relation to the number of Redress WA applicants by postcode, in response to question on notice No. 1085 asked by Hon Sue Ellery. (Tabled paper 1096).

The Minister for Environment tabled, and by leave incorporated into Hansard, documents in relation to the logging of Mundlimup Forest, Jarrahdale, in response to a question without notice asked by Hon Alison Xamon. (Tabled paper 1097).

16. Criminal Code Amendment Bill 2008

The President left the Chair.

In Committee

(Hon Helen Morton in the Chair)

Clause 4.

Debate resumed on the amendment of Hon Giz Watson as follows -

Page 2, lines 13 to 28 — To delete the lines.

Amendment - put.

The Committee divided.

Ayes (11)

Hon Helen Bullock
 Hon Robin Chapple
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Jon Ford

Hon Lynn MacLaren
 Hon Sally Talbot
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ed Dermer (*Teller*)

Noes (16)

Hon Liz Behjat
 Hon Jim Chown
 Hon Peter Collier
 Hon Mia Davies
 Hon Phil Edman
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Philip Gardiner

Hon Nick Goiran
 Hon Alyssa Hayden
 Hon Col Holt
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Ken Baston (*Teller*)

Amendment thus negatived.

The Parliamentary Secretary representing the Attorney General moved -

Page 2, lines 13 to 16 — To delete “by a young person (as defined in the *Young Offenders Act 1994* section 3) in prescribed circumstances, then, notwithstanding that Act” and insert —

in prescribed circumstances by a person who has reached 16 but not 18 years of age, then, notwithstanding the *Young Offenders Act 1994*

Debate ensued.

Amendment - put and passed.

Hon Giz Watson moved -

Page 3, lines 1 to 4 — To delete the lines.

Amendment - put and negatived.

The Parliamentary Secretary representing the Attorney General moved -

Page 3, line 6 — To delete “and subsection (5) does not apply” and insert —

by a person who has reached 18 years of age

Amendment - put and passed.

Hon Sue Ellery moved -

Page 3, line 7 — To insert “notwithstanding any other written law”.

Debate ensued.

Hon Sue Ellery, by leave, withdrew her amendment.

Hon Sue Ellery moved -

Page 3, line 10 — To insert after “months” —

, unless —

- (i) that sentence would be clearly unjust given the circumstances of the offence and the person;
- (ii) the person’s criminal record indicates that they are unlikely to be a threat to the safety of the community;
- (iii) the imposition of a term of imprisonment would not act as a general deterrent;
- (iv) a term of imprisonment would be contrary to the public interest;
- (v) the court has afforded the victim of the offence an opportunity to make submissions either personally or in writing as to whether a term of imprisonment should be imposed; and
- (vi) the court has given written reasons why a term of imprisonment was not imposed

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (11)

Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford

Hon Lynn MacLaren
Hon Sally Talbot
Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (16)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Phil Edman
Hon Brian Ellis
Hon Donna Faragher
Hon Philip Gardiner

Hon Nick Goiran
Hon Alyssa Hayden
Hon Col Holt
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O’Brien
Hon Ken Baston (*Teller*)

Amendment thus negatived.

Debate ensued.

Hon Sue Ellery moved -

Page 3, after line 24 — To insert —

- (iv) a teacher as defined in the *School Education Act 1999*;
- (v) a nurse as defined in the *Nurses and Midwives Act 2006*;

The Parliamentary Secretary representing the Attorney General moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and passed.

The President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

17. Sittings of the House - Extended Beyond 10.00pm

The Leader of the House moved, without notice -

That the House continue to sit beyond 10.00pm until no later than 12 midnight for the purpose of consideration in Committee of the Whole of the *Criminal Code Amendment Bill 2008*.

Debate ensued.

Question - put and passed.

18. Order of Business

Ordered - That Order of the Day No. 11, *Criminal Code Amendment Bill 2008*, be resumed for the further consideration of this Bill in Committee. (Leader of the House).

19. Criminal Code Amendment Bill 2008

The President left the Chair.

In Committee

(Hon Jon Ford in the Chair)

Clause 4.

Debate resumed on the amendment of Hon Sue Ellery as follows -

Page 3, after line 24 — To insert —

- (iv) a teacher as defined in the *School Education Act 1999*;
- (v) a nurse as defined in the *Nurses and Midwives Act 2006*;

Amendment - put.

The Committee divided.

Ayes (8)

Hon Helen Bullock
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina

Hon Jon Ford
Hon Sally Talbot
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Noes (21)

Hon Liz Behjat
 Hon Robin Chapple
 Hon Jim Chown
 Hon Peter Collier
 Hon Mia Davies
 Hon Phil Edman
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Philip Gardiner
 Hon Nick Goiran
 Hon Alyssa Hayden

Hon Col Holt
 Hon Lynn MacLaren
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ken Baston (*Teller*)

Amendment thus negatived.

Hon Sue Ellery moved -

Page 3, line 26 — To insert after “subsection (4)(d)(i)” —

,(d)(ii), (d)(iii)

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (8)

Hon Helen Bullock
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina

Hon Jon Ford
 Hon Sally Talbot
 Hon Ken Travers
 Hon Ed Dermer (*Teller*)

Noes (20)

Hon Liz Behjat
 Hon Jim Chown
 Hon Peter Collier
 Hon Mia Davies
 Hon Phil Edman
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Philip Gardiner
 Hon Nick Goiran
 Hon Alyssa Hayden

Hon Col Holt
 Hon Lynn MacLaren
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ken Baston (*Teller*)

Amendment thus negatived.

Clause, as amended, agreed to.

Clause 5.

Hon Giz Watson moved -

Page 4, lines 4 to 23 — To delete the lines.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (12)

Hon Helen Bullock
 Hon Robin Chapple
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Jon Ford

Hon Lynn MacLaren
 Hon Sally Talbot
 Hon Ken Travers
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ed Dermer (*Teller*)

Noes (17)

Hon Liz Behjat
 Hon Jim Chown
 Hon Peter Collier
 Hon Mia Davies
 Hon Phil Edman
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Philip Gardiner
 Hon Nick Goiran

Hon Alyssa Hayden
 Hon Col Holt
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Ken Baston (*Teller*)

Amendment thus negatived.

The Parliamentary Secretary representing the Attorney General moved -

Page 4, lines 4 to 7 — To delete “a young person (as defined in the *Young Offenders Act 1994* section 3) is convicted of an offence against this section committed in prescribed circumstances, then, notwithstanding that Act” and insert —

a person is convicted of an offence against this section committed in prescribed circumstances at a time when the person had reached 16 but not 18 years of age, then, notwithstanding the *Young Offenders Act 1994*

Debate ensued.

Amendment - put and passed.

Hon Giz Watson moved -

Page 4, line 16 — To delete “as the court thinks fit” and insert —

unless —

- (A) that sentence would be clearly unjust given the circumstances of the offence and the person;
- (B) the person’s criminal record indicates that they are unlikely to be a threat to the safety of the community;
- (C) the imposition of a term of imprisonment would not act as a general deterrent;
- (D) a term of imprisonment would be contrary to the public interest;
- (E) the court has afforded the victim of the offence an opportunity to make submissions either personally or in writing as to whether a term of imprisonment should be imposed; and

- (F) the court has given written reasons why a term of imprisonment was not imposed

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (12)

Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford

Hon Lynn MacLaren
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (17)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Phil Edman
Hon Brian Ellis
Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran

Hon Alyssa Hayden
Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Ken Baston (*Teller*)

Amendment thus negatived.

The Parliamentary Secretary representing the Attorney General moved -

Page 4, lines 25 and 26 — To delete “and subsection (2) does not apply” and insert —

at a time when the person had reached 18 years of age

Debate ensued.

Amendment - put and passed.

Hon Giz Watson moved -

Page 5, after line 4 — To insert —

unless —

- (i) that sentence would be clearly unjust given the circumstances of the offence and the person;
- (ii) the person's criminal record indicates that they are unlikely to be a threat to the safety of the community;
- (iii) the imposition of a term of imprisonment would not act as a general deterrent;
- (iv) a term of imprisonment would be contrary to the public interest;

- (v) the court has afforded the victim of the offence an opportunity to make submissions either personally or in writing as to whether a term of imprisonment should be imposed; and
- (vi) the court has given written reasons why a term of imprisonment was not imposed,

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (12)

Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford

Hon Lynn MacLaren
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (17)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Phil Edman
Hon Brian Ellis
Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran

Hon Alyssa Hayden
Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Ken Baston (*Teller*)

Amendment thus negatived.

Hon Sue Ellery moved -

Page 5, after line 18 — To insert —

- (iv) a teacher as defined in the *School Education Act 1999*; or
- (v) a nurse as defined in the *Nurses and Midwives Act 2006*,

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (8)

Hon Helen Bullock
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina

Hon Jock Ferguson
Hon Jon Ford
Hon Sally Talbot
Hon Ed Dermer (*Teller*)

Noes (20)

Hon Liz Behjat
 Hon Robin Chapple
 Hon Jim Chown
 Hon Peter Collier
 Hon Mia Davies
 Hon Phil Edman
 Hon Brian Ellis
 Hon Philip Gardiner
 Hon Nick Goiran
 Hon Alyssa Hayden

Hon Col Holt
 Hon Lynn MacLaren
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ken Baston (*Teller*)

Amendment thus negatived.

Hon Sue Ellery moved -

Page 5, line 21 — To insert after “subsection (1)(h)(i)” —

,(h)(ii), (h)(iii)

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (8)

Hon Helen Bullock
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina

Hon Jock Ferguson
 Hon Jon Ford
 Hon Sally Talbot
 Hon Ed Dermer (*Teller*)

Noes (21)

Hon Liz Behjat
 Hon Robin Chapple
 Hon Jim Chown
 Hon Peter Collier
 Hon Mia Davies
 Hon Phil Edman
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Philip Gardiner
 Hon Nick Goiran
 Hon Alyssa Hayden

Hon Col Holt
 Hon Lynn MacLaren
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ken Baston (*Teller*)

Amendment thus negatived.

Clause, as amended, agreed to.

Clause 6.

Debate ensued.

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

New Clause 6.

The Parliamentary Secretary representing the Attorney General moved -

Page 5, after line 30 — To insert —

6. Section 740A inserted

After section 739 insert:

740A. Review of certain amendments to s. 297 and 318

- (1) The Minister shall carry out a review of the operation and effectiveness of the amendments made to this Code by the *Criminal Code Amendment Act 2008* as soon as practicable after the third anniversary of the day on which those amendments came into operation.
- (2) The Minister shall prepare a report based on the review made under subsection (1), and shall, as soon as is practicable after that preparation, cause the report to be laid before each House of Parliament.

New Clause 6 agreed to.

Title agreed to.

The 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.

20. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.53pm until Wednesday, 9 September 2009 at 4.00pm.

Members present during the day's proceedings

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

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council