

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 166

TUESDAY, 23 OCTOBER 2007

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### 1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

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

### 2. Statement by President - Clerk Assistant (House) - Appointment

The President made the following Statement -

Honourable Members, a selection process commenced in August this year to fill the vacant position of Clerk Assistant (House). I am delighted to announce that Mr Donald Allison has been appointed Clerk Assistant (House) for the Legislative Council. Donald will bring a high level of professionalism to the role. Donald has held various senior positions in, and has extensive knowledge of, Commonwealth and State public services. Donald has a Bachelor of Arts degree from the University of Western Australia. I wish Donald all the best in his new role.

### 3. Petition

Hon Giz Watson presented a petition from 20 residents of Western Australia requesting that the Legislative Council inquire into the Supplementary Property Purchase Program (SPPP) in relation to the expansion of the Alcoa Wagerup Refinery. (Tabled paper 3421).

### 4. Ministerial Statement - Children's Week - Commissioner for Children and Young People

The Minister for Child Protection made a Ministerial Statement with respect to Children's week and the appointment of a Children's Commissioner.

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

### 5. Ministerial Statement - Seniors - Living Histories Exhibition

The Minister for Seniors and Volunteering made a Ministerial Statement with respect to the inaugural "Living Histories" Exhibition.

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

## 6. Paper

The following Paper was laid on the Table by -

### President

*Annual Reports -*

Inspector of Custodial Services, Office of the (2006-2007) (Date received 21/10/2007)..... 3420

## 7. Shire of Menzies - Dogs Local Law 2007 - Disallowance

Hon Barbara Scott: To move on the next day of sitting -

That the *Shire of Menzies - Dogs Local Law 2007* published in the *Gazette* on 6 July 2007 and tabled in the Legislative Council on 29 August 2007 under the *Dog Act 1976*, be and is hereby disallowed.

## 8. Shire of Northampton - Health Local Laws 2007 - Disallowance

Hon Barbara Scott: To move on the next day of sitting -

That the *Shire of Northampton - Health Local Laws 2007* published in the *Gazette* on 16 July 2007 and tabled in the Legislative Council on 29 August 2007 under the *Health Act 1911*, be and are hereby disallowed.

## 9. Shire of Goomalling - Refuse Disposal Facilities Local Law 2007 - Disallowance

Hon Barbara Scott: To move on the next day of sitting -

That the *Shire of Goomalling - Refuse Disposal Facilities Local Law 2007* published in the *Gazette* on 16 July 2007 and tabled in the Legislative Council on 29 August 2007 under the *Local Government Act 1995*, be and is hereby disallowed.

## 10. Shire of Goomalling - Local Law Relating to Fencing 2007 - Disallowance

Hon Barbara Scott: To move on the next day of sitting -

That the *Shire of Goomalling - Local Law Relating to Fencing 2007* published in the *Gazette* on 16 July 2007 and tabled in the Legislative Council on 29 August 2007 under the *Local Government Act 1995*, be and is hereby disallowed.

## 11. Shire of Goomalling - Management and Control of Goomalling Cemetery Local Law 2007 - Disallowance

Hon Barbara Scott: To move on the next day of sitting -

That the *Shire of Goomalling - Management and Control of Goomalling Cemetery Local Law 2007* published in the *Gazette* on 16 July 2007 and tabled in the Legislative Council on 29 August 2007 under the *Cemeteries Act 1986*, be and is hereby disallowed.

## 12. Shire of Goomalling - Health Local Laws 2007 - Disallowance

Hon Barbara Scott: To move on the next day of sitting -

That the *Shire of Goomalling - Health Local Laws 2007* published in the *Gazette* on 16 July 2007 and tabled in the Legislative Council on 29 August 2007 under the *Health Act 1911*, be and are hereby disallowed.

## 13. Poisons Amendment Regulations (No. 2) 2007 - Disallowance

Hon Barbara Scott: To move on the next day of sitting -

That the *Poisons Amendment Regulations (No. 2) 2007* published in the *Gazette* on 24 July 2007 and tabled in the Legislative Council on 29 August 2007 under the *Poisons Act 1964*, be and are hereby disallowed.

**14. Gene Technology Regulations 2007 - Disallowance**

Hon Barbara Scott: To move on the next day of sitting -

That the *Gene Technology Regulations 2007* published in the *Gazette* on 27 July 2007 and tabled in the Legislative Council on 29 August 2007 under the *Gene Technology Act 2006*, be and are hereby disallowed.

**15. Occupational Therapists Regulations 2007 - Disallowance**

Hon Barbara Scott: To move on the next day of sitting -

That the *Occupational Therapists Regulations 2007* published in the *Gazette* on 31 July 2007 and tabled in the Legislative Council on 29 August 2007 under the *Occupational Therapists Act 2005*, be and are hereby disallowed.

**16. Chiropractors Amendment Regulations 2007 - Disallowance**

Hon Barbara Scott: To move on the next day of sitting -

That the *Chiropractors Amendment Regulations 2007* published in the *Gazette* on 31 July 2007 and tabled in the Legislative Council on 29 August 2007 under the *Chiropractors Act 2005*, be and are hereby disallowed.

**17. Perry Lakes Redevelopment Amendment Regulations 2007 - Disallowance**

Hon Barbara Scott: To move on the next day of sitting -

That the *Perry Lakes Redevelopment Amendment Regulations 2007* published in the *Gazette* on 7 August 2007 and tabled in the Legislative Council on 29 August 2007 under the *Perry Lakes Redevelopment Act 2005*, be and are hereby disallowed.

**18. City of Bunbury - Private Property Amendment Local Law 2007 - Disallowance**

Hon Barbara Scott: To move on the next day of sitting -

That the *City of Bunbury - Private Property Amendment Local Law 2007* published in the *Gazette* on 10 August 2007 and tabled in the Legislative Council on 29 August 2007 under the *Local Government Act 1995*, be and is hereby disallowed.

**19. Matter of Urgency - Local Government Voting System**

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 adverse impacts of the new voting system upon Local Government.

Yours sincerely

Hon Robyn McSweeney  
Member for South West Region

Four members having risen in support.

Hon Robyn McSweeney moved the motion.

Debate ensued.

Motion lapsed.

## 20. Order of Business

Ordered - That Orders of the Day Nos 484, *Mooring Amendment Regulations 2007 - Disallowance*, 485, *Rights in Water and Irrigation Amendment Regulations 2007 - Disallowance*, 486, *City of Armadale - Signs Local Law 2007 - Disallowance*, 487, *Environmental Protection Amendment Regulations 2007 - Disallowance*, 489, *Rights in Water and Irrigation Amendment Regulations 2007 - Disallowance*, 490, *Rights in Water and Irrigation Amendment Regulations 2007 - Disallowance* and 505, *Settlement Agents Amendment Regulations (No. 2) 2007 - Disallowance* be taken after Order of the Day No. 6, *Constitution Amendment Bill 2005*. (Leader of the House).

## 21. Road Traffic Amendment Bill (No. 2) 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.

The President left the Chair.

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## In Committee

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

The Minister for Regional Development moved -

Page 3, lines 1 to 12 — To delete the lines and insert instead —

“

- (g) Part 2 Division 4 other than section 26 — on a day fixed by proclamation, being a day that is after the day on which the *Road Traffic Amendment Act 2006* section 31 comes into operation;
- (h) section 26 — on the day after assent day;
- (i) Part 2 Division 5 other than section 38 — on a day fixed by proclamation, being a day that is after section 9 and the *Road Traffic Amendment Act 2006* sections 17 and 31 have all come into operation;

”.

Debate ensued.

## 22. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection representing the Attorney General tabled copies of the instruments of appointment for Ms Wookey as Acting Freedom of Information Commissioner (Minute Nos. 0795, 0605, 0758 and 785), in response to a question without notice asked by Hon Norman Moore. (Tabled paper 3422).

The Minister for Agriculture and Food tabled, and by leave incorporated into Hansard, an answer in relation to the Consumers Union of Japan, terms of reference of the Genetically Modified Organism Industry Reference Group and organisations and businesses represented on the Reference Group, in response to a question without notice asked by Hon Giz Watson. (Tabled paper 3423).

The Minister for Child Protection tabled, and by leave incorporated into Hansard, an answer in relation to the consultancy and reporting of the Social Systems and Evaluations for the Department of Child Protection, in response to a question without notice asked by Hon Robyn McSweeney. (Tabled paper 3424).

The Minister for Local Government representing the Minister for Education and Training tabled documents in relation to details of bad debts and outstanding debtors for each Department and Agency within the Minister for Education and Training's portfolio between 1 July 2006 - 30 June 2007, in response to question on notice No. 5138 asked by Hon Ray Halligan. (Tabled paper 3425).

The Minister for Child Protection representing the Minister for Health tabled a list of nursing vacancies for Mental Health and Psychiatry at in-patient and community facilities in Western Australia, in response to question on notice No. 5520 asked by Hon Helen Morton. (Tabled paper 3426).

The Minister for Child Protection representing the Minister for Health tabled details of every category of mental health beds by program type, target group and ward type, in response to question on notice No. 5545 asked by Hon Anthony Fels. (Tabled paper 3427).

### **23. Road Traffic Amendment Bill (No. 2) 2007**

The President left the Chair.

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#### **In Committee**

(Hon George Cash in the Chair)

Clause 2.

Debate resumed on the amendment of the Minister for Regional Development as follows:

Page 3, lines 1 to 12 — To delete the lines and insert instead —

“

- (g) Part 2 Division 4 other than section 26 — on a day fixed by proclamation, being a day that is after the day on which the *Road Traffic Amendment Act 2006* section 31 comes into operation;
- (h) section 26 — on the day after assent day;
- (i) Part 2 Division 5 other than section 38 — on a day fixed by proclamation, being a day that is after section 9 and the *Road Traffic Amendment Act 2006* sections 17 and 31 have all come into operation;

”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clauses 5 to 7 agreed to.

Clause 8.

Debate ensued.

*Want of Quorum*

There not being a quorum present, the Chairman of Committees gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

Clause agreed to.

Clause 9 agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clauses 11 to 19 agreed to.

Clause 20.

Debate ensued.

*Want of Quorum*

There not being a quorum present, the Chairman of Committees 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 Chairman of Committees 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 Chairman of Committees gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

Clause agreed to.

Clauses 21 to 26 agreed to.

Clause 27.

Debate ensued.

Clause agreed to.

Clauses 28 to 34 agreed to.

Clause 35.

Debate ensued.

Clause agreed to.

Clauses 36 to 42 agreed to.

Title agreed to.

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The Acting 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.

**24. Child Support (Adoption of Laws) 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.

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

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

Question - put and passed.

Bill read a third time and passed.

**25. Trans-Tasman Mutual Recognition (Western Australia) Bill 2005**

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

Debate resumed.

*Interruption of Debate* [SO 61(b)].

**26. Adjournment**

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

Question - put and passed.

The House adjourned at 10.00pm until 24 October 2007 at 4.00pm.

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

Attendance: Present all Members except Hon Shelley Archer, Hon Vincent Catania, Hon Ray Halligan and Hon Ken Travers.

Member granted leave: Hon Sally Talbot.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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