

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 193

TUESDAY, 1 APRIL 2008

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. Message from His Excellency the Governor - Assent to Bills

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

31 March 2008 - Message No. 8	Act No.
Acts Amendment (Justice) Bill 2007	5 of 2008
Bail Amendment Bill 2007	6 of 2008
Cross-border Justice Bill 2007	7 of 2008
Police Amendment Bill 2006	8 of 2008
Public Trustee and Trustee Companies Legislation Amendment Bill 2006	9 of 2008

3. Petition

Hon Giz Watson presented a petition from 32 residents of Western Australia requesting the Legislative Council to support an inquiry into the activities of the Augusta Margaret River Shire Council in relation to the District Planning Scheme for the Shire. (Tabled paper 3832).

4. Papers

The following Papers were laid on the Table by -

Minister for Local Government

Annual Reports -

Central TAFE (Year ending 31 December 2007) (Date received 28/03/2008).....	3818
Central West TAFE (Year ending 31 December 2007) (Date received 31/03/2008).....	3819
Challenger TAFE (Year ending 31 December 2007) (Date received 28/03/2008)	3820
Curtin University of Technology (Year ending 31 December 2007) (Date received 28/03/2008)	3821
C.Y. O'Connor College of TAFE (Year ending 31 December 2007) (Date received 28/03/2008)	3822

Edith Cowan University (Year ending 31 December 2007) (Date received 28/03/2008).....	3823
Great Southern TAFE (Year ending 31 December 2007) (Date received 28/03/2008)	3824
Kimberley TAFE (Year ending 31 December 2007) (Date received 28/03/2008).....	3825
Murdoch University (Year ending 31 December 2007) (Date received 28/03/2008)	3826
Pilbara TAFE (Year ended 31 December 2007) (Date received 31/03/2008).....	3827
South West Regional College (Year ending 31 December 2007) (Date received 28/03/2008).....	3828
Swan TAFE (Year ending 31 December 2007) (Date received 28/03/2008).....	3829
University of Western Australia (Year ending 31 December 2007) (Date received 28/03/2008).....	3830
West Coast TAFE (Year ending 31 December 2007) (Date received 28/03/2008)	3831

5. Matter of Urgency - Public Land and Water Resources - Recreational Use

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 Government's lack of commitment to the responsible "shared-use" of public land and water resources for recreational activities by the Western Australian community.

Yours sincerely

Hon Barry House

Member for South West Region

Four members having risen in support.

Hon Barry House moved the motion.

Debate ensued.

Motion lapsed.

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. Prostitution Amendment Bill 2007

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

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

The 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.

Question - put.

The House divided.

Ayes (14)

Hon Shelley Archer
 Hon Kim Chance
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Nick Griffiths
 Hon Paul Llewellyn

Hon Sheila Mills
 Hon Batong Pham
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Giz Watson
 Hon Ed Dermer (*Teller*)

Noes (13)

Hon George Cash
 Hon Peter Collier
 Hon Wendy Duncan
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Anthony Fels
 Hon Barry House

Hon Robyn McSweeney
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Barbara Scott
 Hon Bruce Donaldson (*Teller*)

Question thus passed.

Bill read a third time and passed.

8. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection representing the Minister for Health tabled, and by leave incorporated into Hansard, a table regarding the number of nurses in the Western Australian public health system as at February 2005, 2006, 2007 and 2008, in response to a question without notice asked by Hon Helen Morton. (Tabled paper 3833).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled a schedule of industrial land sales evidence in Carnarvon, in response to a question without notice asked by Hon Ken Baston. (Tabled paper 3834).

The Minister for Agriculture and Food tabled, and by leave incorporated into Hansard, an answer in relation to the recently appointed Biosecurity Council of Western Australia, in response to a question without notice asked by Hon Anthony Fels. (Tabled paper 3835).

The Minister for Local Government representing the Minister for Education and Training tabled an answer in tabular format for each education district of the number physical assaults and the number of students that were suspended and expelled in 2004, 2005, 2006 and 2007, in response to question on notice No. 5998 asked by Hon Peter Collier. (Tabled paper 3836).

The Minister for Child Protection documents in relation to the Western Australian Industrial Relations Commission Order between Department of Child Protection and Civil Service Association of Western Australia (Incorporated), in response to question on notice No. 5974 asked by Hon Robyn McSweeney. (Tabled paper 3837).

The Parliamentary Secretary representing the Minister for Culture and the Arts tabled details of IMPEX Browne Ltd proposed liquefied natural gas plant on the Maret Islands on the North-West Kimberley Coast, in response to question on notice No. 5959 asked by Hon Giz Watson. (Tabled paper 3838).

The Parliamentary Secretary representing the Minister for the Environment tabled the Busselton Wetlands Conservation Strategy (Final) Report, in response to question on notice No. 5980 asked by Hon Paul Llewellyn. (Tabled paper 3839).

9. State Supply Commission Amendment Bill 2007

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Parliamentary Secretary representing the Treasurer moved, That the report be adopted.

Question - put and passed.

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

10. Duties Bill 2007 and Duties Legislation Amendment Bill 2007

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills.

Debate ensued.

Want of Quorum

There not being a quorum present, the Acting President 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 Acting President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

On the motion of the Leader of the House the debate was adjourned to a later stage of this day's sitting.

11. Temporary Order 2008

The Leader of the House, by leave, tabled the Temporary Order 2008. (Tabled paper 3840).

The Leader of the House moved, without notice -

That the Temporary Order 2008 be adopted and agreed to.

Debate ensued.

Hon Norman Moore moved to amend Sessional Order 8(1) as follows -

To delete "6.00pm" and insert instead "10.00pm".

Amendment - put and passed.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion, as amended, carried with the concurrence of an absolute majority.

12. Order of Business

Ordered - That Orders of the Day Nos 573, *Duties Bill 2007* and 572, *Duties Legislation Amendment Bill 2007*, be now taken.

13. Duties Bill 2007 and Duties Legislation Amendment Bill 2007

Cognate debate resumed on the second reading of these Bills (cf item 10 above).

Question - put and passed.

Bills read a second time.

The Acting President left the Chair.

In Committee

(Hon Ken Travers in the Chair)

Duties Bill 2007

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 6 agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clauses 8 to 15 agreed to.

Clause 16.

Debate ensued.

Clause agreed to.

Clause 17 agreed to.

Clause 18.

Debate ensued.

Clause agreed to.

Clauses 19 to 21 agreed to.

Clause 22.

Debate ensued.

Clause agreed to.

Clauses 23 and 24 agreed to.

Clause 25.

Debate ensued.

Clause agreed to.

Clauses 26 to 37 agreed to.

Clause 38.

Debate ensued.

Clause agreed to.

Clauses 39 to 52 agreed to.

Clause 53.

Debate ensued.

Clause agreed to.

Clauses 54 to 69 agreed to.

Clause 70.

Debate ensued.

Clause agreed to.

Clauses 71 to 99 agreed to.

The Parliamentary Secretary representing the Treasurer moved, That progress be reported and leave asked to sit again.

Question - put and passed.

The Deputy 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.

Ordered - That the Committee have leave to sit again.

14. Mining Legislation Amendment and Validation Bill 2007

The Deputy President reported the receipt of Message No. 305 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Resources moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House representing the Minister for Resources moved, That the Bill be now read a second time.

Debate stands adjourned.

15. Adjournment

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

Debate ensued.

Hon Barry House, by leave, tabled a newspaper extract from the *Augusta Margaret River Times* in relation to an article titled "Llewellyn wants inquiry". (Tabled paper 3841).

Debate resumed.

Question - put and passed.

The House adjourned at 10.44pm until Wednesday, 2 April 2008 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jon Ford.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council