

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 54

THURSDAY, 24 SEPTEMBER 2009

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. Message from the Lieutenant Governor and Deputy of the Governor - Assent to Bill

The President reported the receipt of a Message from the Lieutenant Governor and Deputy of the Governor assenting to the following Bill -

22 September 2009 - Message No. 62

Act No.

Tobacco Products Control Amendment Bill 2008

22 of 2009

3. Ministerial Statement - Metropolitan Region Scheme Amendment No. 1114/33 - Jandakot Structure Plan, Cell 1 - Mandogalup

The Minister for Child Protection representing the Minister for Planning made a Ministerial Statement with respect to Metropolitan Region Scheme Amendment No. 1114/33 - Jandakot Structure Plan, Cell 1 - Mandogalup.

The Minister for Child Protection representing the Minister for Planning tabled a plan in relation to the Metropolitan Region Scheme Amendment No. 1114/33 - Jandakot Structure Plan, Cell 1 - Mandogalup. (Tabled paper 1314).

The Minister for Child Protection representing the Minister for Planning tabled a report in relation to the Metropolitan Region Scheme Amendment No. 1114/33 - Jandakot Structure Plan, Cell 1 - Mandogalup. (Tabled paper 1315).

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

4. Ministerial Statement - West Coast Rock Lobster Fishery - Management Arrangements

The Minister for Fisheries made a Ministerial Statement with respect to West Coast Rock Lobster Fishery - Management Arrangements for the 2009-10 fishing season.

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 -

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Leader of the House

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Minister for Child Protection

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6. Joint Standing Committee on Audit - Establishment

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

- (1) That pursuant to section 43 of the *Auditor General Act 2006* —
 - (a) a Joint Standing Committee on Audit be established, comprised of four members (including the Chairman) of the Legislative Council Standing Committee on Estimates and Financial Operations and four members of the Legislative Assembly Public Accounts Committee, two of whom from each House support the Government;
 - (b) the Chairman of the Standing Committee on Estimates and Financial Operations will be the Chairman of the Joint Standing Committee; and
 - (c) the Standing Orders of the Legislative Council relating to Standing Committees will be followed as far as they can be applied.
- (2) That the Legislative Assembly be invited to pass a similar resolution.

7. Child Death Review Committee - Recommendations

Motion No. 1 having been called, debate resumed on the motion of Hon Sue Ellery as follows -

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].

8. Consideration of Committee Reports

Pursuant to Standing Orders for the consideration of Committee Reports.

In Committee

(Hon Michael Mischin 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, debate resumed on the motion of Hon Giz Watson, That the Report be noted.

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 read, debate resumed on the motion of Hon Giz Watson, That the Report be noted.

Interruption of Debate [SO 61A].

The Deputy President resumed the Chair.

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

- (1) Standing Committee on Estimates and Financial Operations - Nineteenth Report - Follow-Up to Report 12 - Balga Works Program and had noted same.
- (2) 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.

9. Order of Business

Ordered - That Orders of the Day Nos 1, *City of Stirling Local Government Property Local Law 2009 - Disallowance*, and 2, *City of Albany Keeping and Welfare of Cats Local Law 2008 - Disallowance*, be taken after Order of the Day No. 4, *Statutes (Repeals and Minor Amendments) Bill 2009*. (Leader of the House).

10. Criminal Code Amendment (Graffiti) Bill 2009

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

Debate resumed.

Hon Sally Talbot, by leave, tabled a document containing an image of a dove that has been classified as graffiti. (Tabled paper 1316).

11. Questions Without Notice

Questions without notice were taken.

The Minister for Environment tabled documents in relation to the detailed summary of records from the Reported Sites Register taken from the Department of Environment and Conservation website, in response to a question without notice asked by Hon Giz Watson. (Tabled paper 1344).

12. Criminal Code Amendment (Graffiti) Bill 2009

Debate resumed on the second reading of this Bill (cf item 10 above).

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

13. Papers

The following Papers were laid on the Table by -

Leader of the House

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14. Petition

Hon Wendy Duncan, by leave, presented a petition from 2 031 petitioners requesting the Legislative Council support the Esperance Anglican Community School, registration for years 11 and 12. (Tabled paper 1345).

15. Order of Business

Ordered - That Order of the Day No. 3, *Criminal Code Amendment (Graffiti) Bill 2009*, be taken forthwith. (Leader of the House).

16. Criminal Code Amendment (Graffiti) Bill 2009

Debate resumed on the second reading of this Bill (cf item 12 above).

Interruption of Debate [SO 61(b)].

17. Road Traffic Amendment (Hoons) Bill 2009

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 52

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council to the *Road Traffic Amendment (Hoons) Bill 2009*.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 24 September 2009

18. Racing and Wagering Western Australia - Joint Standing Committee Review

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 53

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution -

- (1) That the Legislative Assembly agrees with the proviso contained in the Legislative Council Message No. 41 that the Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts consist of three members of each House.
- (2) That the Members for Albany, Kalgoorlie and South Perth be appointed as the Assembly members of the Committee.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 24 September 2009

19. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 13 October 2009 at 3.30pm.

Question - put and passed.

20. Adjournment

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

Debate ensued.

Hon Helen Morton, by leave, tabled a Perth Declaration for Patient Safety. (Tabled paper 1346).

Question - put and passed.

The House adjourned at 5.44pm until Tuesday, 13 October 2009 at 3.30pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Robin Chapple and Hon Max Trenorden.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council