

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 10

TUESDAY, 9 DECEMBER 2008

1. Meeting of Council

The Council assembled at 11.00am pursuant to Temporary Order.

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

2. Surrogacy Bill 2008

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 12

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Surrogacy Bill 2008* without amendment.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 3 December 2008

3. Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2008

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 13

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2008* without amendment.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 4 December 2008

4. Section 38 - Constitution Acts Amendment Act 1899

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 14

The Legislative Assembly acquaints the Legislative Council that it concurs with the resolution contained in Legislative Council Message No. 9, which was as follows:

That this House direct that Ms Mia Davies on becoming the holder of an office or place at the material time shall be disregarded for the purposes of section 38 of the *Constitution Acts Amendment Act 1899*.

Hon G.A. Woodhams
 Speaker
 Legislative Assembly Chamber
 Perth, 4 December 2008

5. Petitions

Hon Giz Watson presented a petition, by delivery to the Clerk, [SO 130], from 797 petitioners requesting the Legislative Council to support maintaining Western Australia as a Genetically Modified (GM) Free Zone. (Tabled paper 422).

Hon Ken Travers presented a petition from 1 petitioner requesting the Legislative Council review the procedures and processes adopted by the Western Australian Electoral Commission in its investigation of the formal complaint made by Mr Paul Miles. (Tabled paper 424).

6. Papers

The following Papers were laid on the Table by -

President

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Report No. 97 - Treaties tabled on 1 December 2008 425

Leader of the House

Reports -

Report on the Remuneration of Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission (28 November 2008) 413

Leader of the House on behalf of the Minister for Child Protection representing the Minister for Planning

Maps -

Metropolitan Regional Scheme Amendment 1127/41, 1128/41, 1129/41, and 1130/41 - Baldivis Urban Expansion Area, City of Rockingham 411 A-D

Reports -

Metropolitan Regional Scheme Amendment 1127/41 - Baldivis Urban Expansion Area 1, Report on Submissions and Submissions 412 A

Metropolitan Regional Scheme Amendment 1128/41 - Baldivis Urban Expansion Area 2, Report on Submissions and Submissions 412 B

Metropolitan Regional Scheme Amendment 1129/41 - Baldivis Urban Expansion Area 3, Report on Submissions and Submissions 412 C

Metropolitan Regional Scheme Amendment 1130/41 - Baldivis Urban Expansion Area 4, Report on Submissions and Submissions 412 D

Metropolitan Regional Scheme Amendments within the South West District - Transcript of Hearings 412 E

7. Ministerial Statement - Metropolitan Region Scheme Amendment - Baldivis Urban Area

The Leader of the House on behalf of the Minister for Child Protection representing the Minister for Planning, by leave, made a Ministerial Statement with respect to the Western Australian Planning Commission's resolution to initiate Metropolitan Region Scheme Amendments to the Baldivis Urban Area.

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

8. Papers

The following Papers were laid on the Table by -

Minister for Transport

Regulations -

Medical Practitioners Act 2008 (Medical Practitioners Regulations 2008 G.G. 25/11/2008) 414

Prisons Act 1981 (Prisons Amendment Regulations (No. 3) 2008 G.G. 28/11/2008) 415

Reports -

The Wilson Parking and Westralia Airports Corporation Matter (October 2008) 423

9. Ministerial Statement - Licensing Information provided by the Department for Planning and Infrastructure to Wilson Parking and Westralia Airports Corporation

The Minister for Transport, by leave, made a Ministerial Statement with respect to confidential vehicle licensing information provided by the Department for Planning and Infrastructure to Wilson Parking and Westralia Airports Corporation.

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

10. Papers

The following Papers were laid on the Table by -

Minister for Energy

Local Laws -

Local Government Act 1995 (City of Geraldton-Greenough Parking and Parking Facilities Local Law 2008 G.G. 24/11/2008 and City of Geraldton-Greenough Removal of Refuse, Rubbish and Disused Materials Local Law 2008 G.G. 24/11/2008) 416

Regulations -

Community Protection (Offender Reporting) Act 2004 (Community Protection (Offender Reporting) Amendment Regulations (No. 3) 2008 G.G. 25/11/2008) 417

Minister for Environment on behalf of the Minister for Child Protection

Orders -

Genetically Modified Crops Free Areas Act 2003 (Genetically Modified Crops Free Areas Exemption Order (No. 3) 2008 G.G. 28/11/2008) 418

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

Proposals -

Land Administration Act 1997, Section 42(1) - Submission No. 11/2008 - Grant of an Easement over Portion of Class A Reserve No. 45409 (Bold Park) 419

Parliamentary Secretary representing the Treasurer

Regulations -

Employment Dispute Resolution Act 2008 (Employment Dispute Resolution Regulations 2008 G.G. 28/11/2008) 420

Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment Regulations 2008 G.G. 28/11/2008).....	421
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11. Standing Committee on Legislation - Thirteenth Report - Annual Report 2008

Hon Ken Baston presented the Thirteenth Report of the Standing Committee on Legislation being the *Annual Report 2008*. (Tabled paper 426).

Hon Ken Baston moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

12. Standing Committee on Environment and Public Affairs - Fourteenth Report - Overview of Petitions

Hon Sheila Mills presented the Fourteenth Report of the Standing Committee on Environment and Public Affairs in relation to the *Overview of Petitions*. (Tabled paper 427).

Hon Sheila Mills moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

13. Standing Committee on Uniform Legislation and Statutes Review - Thirty-fourth Report - Interim Report - The Statutes Review Inquiry

Hon Adele Farina presented the Thirty-fourth Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Interim Report - The Statutes Review Inquiry*. (Tabled paper 428).

Hon Adele Farina moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

14. Standing Committee on Estimates and Financial Operations - Fourteenth Report - Annual Hearings in Relation to the Budget Estimates 2008-09

Hon Giz Watson presented the Fourteenth Report of the Standing Committee on Estimates and Financial Operations in relation to the *Annual Hearings in Relation to the Budget Estimates 2008-09*. (Tabled paper 429).

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

Question - put and passed.

15. Standing Committee on Estimates and Financial Operations - Special Report - Public Sector Expenditure

Hon Giz Watson presented the Special Report of the Standing Committee on Estimates and Financial Operations in relation to a resolution of the Committee to commence an inquiry into Public Sector Expenditure. (Tabled paper 430).

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

Question - put and passed.

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

16. Suspension of Standing Orders

The Leader of the House moved, without notice -

That so much of the Standing Orders be suspended as to enable the *Sentencing Legislation (Transitional Provisions) Amendment Bill 2008* to proceed through all remaining stages at this day's sitting.

Debate ensued.

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 carried with the concurrence of an absolute majority.

17. Sentencing Legislation (Transitional Provisions) Amendment Bill 2008

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

18. Questions Without Notice

Questions without notice were taken.

19. Sentencing Legislation (Transitional Provisions) Amendment Bill 2008

Debate resumed on the second reading of this Bill (cf item 17 above).

Question - put and passed.

Bill read a second time.

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2 agreed to.

Clause 3.

Debate ensued.

Clause agreed to.

Clause 4.

Hon Giz Watson moved -

Page 2, line 24 to page 3, line 4 — To delete the lines.

Debate ensued.

Amendment - put and negatived.

Debate ensued.

Hon Adele Farina moved -

Page 3, after line 9 — To insert —

- (4) A court sentencing an offender to a fixed term can impose a penalty up to the statutory penalty for the offence.

Debate ensued.

Question - put.

The Committee divided.

Ayes (14)

Hon Matt Benson-Lidholm
 Hon Carolyn Burton
 Hon Kate Doust
 Hon Shelley Eaton
 Hon Sue Ellery
 Hon Adele Farina
 Hon Anthony Fels

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

Noes (11)

Hon Ken Baston
 Hon George Cash
 Hon Brian Ellis
 Hon Nigel Hallett
 Hon Ray Halligan
 Hon Barry House

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

Amendment thus passed.

Clause, as amended, agreed to.

Clause 5 agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported with amendment.

The Minister for Transport moved, That the report be adopted.

Question - put and passed.

The Minister for Transport 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.

Question - put and passed.

Bill read a third time and passed.

20. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until a date and time to be fixed by the President.

Debate ensued.

Question - put and passed.

21. Adjournment

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

Question - put and passed.

The House adjourned at 5.06pm until a date and time to be fixed by the President.

Members present during the day's proceedings

Attendance: Present all Members except Hon Shelley Archer, Hon Kim Chance, Hon Wendy Duncan, Hon Paul Llewellyn, Hon Robyn McSweeney and Hon Batong Pham.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council