

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 185

WEDNESDAY, 27 FEBRUARY 2008

1. Meeting of Council

The Council assembled at 4.00pm pursuant to order.

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

2. Papers

The following Papers were laid on the Table by -

Leader of the House

Codes -

Electricity Industry Act 2004 (Electricity Networks Access Code Amendments (No. 1) 2008
G.G. 25/01/2008)..... 3701

Public Sector Management Act 1994 (Western Australian Public Sector Code of Ethics 2008
G.G. 18/01/2008 and Western Australian Public Sector Code of Ethics (Repeal) 2007
G.G. 18/01/2008)..... 3702

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Electricity Industry Act 2004 (Electricity Industry (Wholesale Electricity Market) Amendment
Regulations 2008 G.G. 12/02/2008)..... 3703

Minister for Local Government

Local Laws -

Dog Act 1976 (Shire of Murray Local Law relating to Dogs 2007 G.G. 18/02/2008) 3704

Local Government Act 1995 (City of Cockburn (Local Government Act) Local Laws 2000 -
Amendment No. 1 of 2008 G.G. 11/01/2008, City of Cockburn Parking and Parking Facilities
Local Law 2007 G.G. 11/01/2008, City of Fremantle - Local Laws relating to Outdoor Eating
Areas Amendment Local Law 2007 G.G. 01/02/2008, City of Geraldton-Greenough Standing
Orders Local Law 2007 G.G. 13/02/2008, City of Joondalup Local Government and Public
Property Amendment Local Law 2007 G.G. 25/01/2008, City of Joondalup Local Government
and Public Property Amendment Local Law (No. 2) 2007 G.G. 11/01/2008, City of Nedlands
Fencing Local Law 2007 G.G. 13/02/2008, City of Nedlands Signs Local Law 2007
G.G. 13/02/2008 and Shire of Kalamunda Repeal Local Law 2007 G.G. 18/01/2008) 3705

Local Government Act 1995 (Shire of Murray Standing Orders Local Law 2007 G.G. 18/02/2008) ... 3706

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State Superannuation Act 2000 (State Superannuation Amendment Regulations 2008 G.G. 18/01/2008).....	3707
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University of Western Australia Act 1911 (University of Western Australia - Amending Statute No. 2 of 2007 G.G. 15/02/2008).....	3708
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Fish Resources Management Act 1994 (Prohibition on Fishing (Abrolhos Islands) Order 2008 [855] G.G. 29/01/2008).....	3709
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Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations 2008 G.G. 05/02/2008)	3710
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Minister for Child Protection*Annual Reports -*

Child Death Review Committee 2006-2007 (Date received 26/02/2008)	3711
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By-laws -

Hospitals and Health Services Act 1927 (Armadale Kelmscott District Memorial Hospital Amendment By-laws 2008 G.G. 12/02/2008, Bentley Hospital Amendment By-laws 2008 G.G. 12/02/2008, Fremantle Hospital Amendment By-laws 2008 G.G. 12/02/2008, Metropolitan Health Service By-laws 2008 G.G. 12/02/2008, Peel Health Services By-laws 2008 G.G. 12/02/2008 and Swan District Hospital (Eveline Road Site) Amendment By-laws 2008 G.G. 12/02/2008)	3712
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Local Laws -

Health Act 1911 (City of Cockburn - Fees and Charges G.G. 15/01/2008)	3713
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Notices -

Professional Standards Act 1997 (The CPA Australia Ltd (Western Australia) Scheme G.G. 01/02/2008).....	3714
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Regulations -

Chiropractors Act 2005 (Chiropractors Amendment Regulations (No. 2) 2007 G.G. 08/01/2008).....	3715
Gas Standards Act 1972 (Gas Standards (Gas Supply and System Safety) Amendment Regulations 2007 G.G. 04/01/2008)	3716
Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations 2008 G.G. 25/01/2008)	3717
Industrial Relations Act 1979 (Industrial Relations Commission Amendment Regulations 2008 G.G. 22/01/2008).....	3718
Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment Regulations (No. 9) 2007 G.G. 04/01/2008).....	3719
Podiatrists Act 2005 (Podiatrists Amendment Regulations 2008 G.G. 01/02/2008).....	3720
Supreme Court Act 1935 (Supreme Court (Fees) Amendment Regulations 2008 G.G. 08/02/2008).....	3721
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Parliamentary Secretary representing the Deputy Premier*Regulations -*

Financial Management Act 2006 (Financial Management (Statutory Authorities) Regulations 2008 G.G. 08/02/2008 and Financial Management (Statutory Authorities) Regulations (No. 2) 2007 G.G. 04/01/2008)	3723
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Parliamentary Secretary representing the Minister for Planning and Infrastructure*Ministerial Approvals -*

Armadale Redevelopment Act 2001 - To enter into an agreement value over \$1 million - Stage 6 landscaping and Stage 7 maintenance with DME Contractors Pty Ltd.....	3724
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Regulations -

Jetties Act 1926 (Jetties Amendment Regulations 2008 G.G. 08/02/2008).....	3725
Road Traffic Act 1974 (Road Traffic Amendment (Holiday Periods) Regulations 2008 G.G. 08/02/2008, Road Traffic Code Amendment Regulations 2008 G.G. 08/02/2008 and Road Traffic (Drug Driving) Amendment Regulations 2008 G.G. 25/01/2008).....	3726

Parliamentary Secretary representing the Minister for Planning and Infrastructure on behalf of the Parliamentary Secretary representing the Minister for the Environment*Orders -*

Conservation and Land Management Act 1984 (Conservation and Land Management (Reservation of State Forest) Order (No. 1) 2008 - Nos 2, 4, 17, 31, 33, 34, 39, 49 and 65 G.G.01/02/2008)	3727
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Regulations -

Conservation and Land Management Act 1984 (Conservation and Land Management Amendment Regulations (No. 2) 2007 G.G. 29/01/2008).....	3728
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3. Standing Committee on Environment and Public Affairs - Eleventh Report - Annual Report 2007

Hon Sheila Mills presented the Eleventh Report of the Standing Committee on Environment and Public Affairs in relation to its Annual Report 2007. (Tabled paper 3729).

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

Question - put and passed.

4. Standing Committee on Estimates and Financial Operations - Inquiry into the Memorandum of Understanding between Balga Senior High School and Manufacturing Industry Training Services Pty Ltd - Extension of Reporting Time

Hon Giz Watson presented a Report of the Standing Committee on Estimates and Financial Operations in relation to the Inquiry into the Memorandum of Understanding between Balga Senior High School and Manufacturing Industry Training Services Pty Ltd seeking an extension of time from Thursday, 13 March 2008 to Thursday, 29 May 2008. (Tabled paper 3730).

Hon Giz Watson moved, That the Report do lie upon the Table and be adopted and agreed to.

Question - put and passed.

5. State Coroner's Findings into Deaths by Self Harm

Hon Robyn McSweeney: To move on the next day of sitting -

That given the serious issues raised in Alistair Hope's findings into the deaths by self harm of 22 people from the Kimberley area of Western Australia (*WA State Coroner's Record of Investigation into Death Ref No. 37/07; February 2008*), this House calls on the State Government to urgently address the following issues -

- (a) Child Protection;
- (b) Drug and Alcohol Abuse;
- (c) Health;
- (d) Housing;
- (e) Education;
- (f) Youth;
- (g) Law and Order; and
- (h) Employment.

6. Fair Employment Advocate - Helen Creed

Motion No. 61 having been called, Hon Norman Moore continued his introductory remarks in moving the following motion -

- (1) That the Minister for Child Protection representing the Minister for Employment Protection table, within three days of this order, the following documents in relation to the appointment of Ms Helen Creed as Fair Employment Advocate -
 - (a) advice provided by the Department of Consumer and Employment Protection to the Director General of the Department of Premier and Cabinet; and
 - (b) the recommendation of the Director General of the Department of Premier and Cabinet to the Minister for Public Sector Management.
- (2) If the House is not in session and sitting when the documents the subject of the order are due to be tabled, the Minister for Child Protection is to transmit the documents to the Clerk of the Legislative Council and the documents are to be taken to have been laid before the House.

Debate ensued.

President's Ruling

The President ruled as follows -

Before I put the motion, I propose to delete the words "the Minister for Child Protection representing" in paragraph (1) and to replace the words "the Minister for Child Protection" in paragraph (2) with the words "the Minister for Employment Protection" to reflect recent changes in ministerial portfolios, so that the motion will read -

- (1) The Minister for Employment Protection table, within three days of this order, the following documents in relation to the appointment of Ms Helen Creed as Fair Employment Advocate -
 - (a) advice provided by the Department of Consumer and Employment Protection to the Director General of the Department of Premier and Cabinet; and
 - (b) the recommendation of the Director General of the Department of Premier and Cabinet to the Minister for Public Sector Management.
- (2) If the House is not in session and sitting when the documents the subject of the order are due to be tabled, the Minister for Employment Protection is to transmit the documents to the Clerk of the Legislative Council and the documents are to be taken to have been laid before the House.

Question, That the motion, as amended, be agreed to - put.
The House divided.

Ayes (15)

Hon Ken Baston
Hon George Cash
Hon Peter Collier
Hon Wendy Duncan
Hon Brian Ellis
Hon Anthony Fels
Hon Ray Halligan
Hon Barry House

Hon Paul Llewellyn
Hon Robyn McSweeney
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Giz Watson
Hon Bruce Donaldson (*Teller*)

Noes (11)

Hon Kim Chance
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford
Hon Graham Giffard

Hon Sheila Mills
Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Matt Benson-Lidholm (*Teller*)

Question thus passed.

7. Questions Without Notice

Questions without notice were taken.

8. West Coast Demersal Scalefish (Interim) Management Plan 2007 - Disallowance

The Order of the Day having been called, Hon Bruce Donaldson continued his introductory remarks in moving the following motion -

That the *West Coast Demersal Scalefish (Interim) Management Plan 2007* published in the *Gazette* on 9 November 2007 and tabled in the Legislative Council on 20 November 2007 under the *Fish Resources Management Act 1994*, be and is hereby disallowed. (Tabled paper 3494).

Debate ensued.

Question - put and negatived.

9. Order of Business

Ordered - That Order of the Day No. 547, *Prohibition on Commercial Fishing (Metropolitan Waters) Order 2007 - Disallowance*, be taken after Order of the Day No. 469, *Eastern Goldfields Transport Board Repeal Bill 2007*. (Minister for Fisheries).

10. Acts Amendment (Justice) Bill 2007

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

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

The Deputy 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 and passed.

Bill read a third time and passed.

11. Bail Amendment Bill 2007

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

The Minister for Child Protection representing the Attorney General 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.

12. Cross-border Justice 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.

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clauses 5 to 17 agreed to.

Clause 18.

Debate ensued.

Clause agreed to.

Clause 19.

Debate ensued.

Clause agreed to.

Clauses 20 to 26 agreed to.

Clause 27.

Debate ensued.

Clause agreed to.

Clauses 28 to 72 agreed to.

Clause 73.

Debate ensued.

Clause agreed to.

Clauses 74 to 119 agreed to.

Clause 120.

Debate ensued.

Clause agreed to.

Clauses 121 to 142 agreed to.

Clause 143.

Debate ensued.

Clause agreed to.

Clauses 144 to 157 agreed to.

New Clause 147.

Hon Giz Watson moved -

Page 84, after line 18 — To insert the following new clause —

“

147. Review of this Act

- (1) The Minister must carry out a review of the operation and effectiveness of this Act as soon as practicable after the expiry of 3 years from the commencement of this Act.
- (2) The Minister must —
 - (a) prepare a report on the outcome of the review; and
 - (b) cause a copy of the report to be laid before each House of Parliament within 4 years after the commencement of this Act.

”.

Debate ensued.

New Clause agreed to.

Title agreed to.

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.

13. Personal Explanation

The Minister for Child Protection, by leave, made a personal explanation [SO 85].

14. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 9.59pm until Thursday, 28 February 2008 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Batong Pham.

Member granted leave: Hon Barbara Scott.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council