

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 209

THURSDAY, 5 JUNE 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. Death of Hon Phillip Pandal - Motion of Condolence

The Leader of the House, moved, without notice -

This House expresses its deep regret at the death of Hon Phillip Pandal, a former Member of the Legislative Council for the South Metropolitan Region; and places on record its appreciation for his long public service, and tenders its profound sympathy to his wife and members of his family in their bereavement.

The motion supported by several Members including the President and was carried in silence, Members standing in their places.

3. Suspension of Temporary Order

Hon Giz Watson moved, without notice -

That so much of Temporary Order 7(3) be suspended to enable Notice of Motion No. 70 - Regulation of Lobbyists, to be taken.

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.

4. Regulation of Lobbyists

Motion No. 70 having been called, Hon Giz Watson, pursuant to notice, moved -

That a Joint Select Committee be appointed to -

- (1) Inquire into and report on regulation of lobbyists in Western Australia, and in particular to -
 - (a) review the State Government's Contact with Lobbyists Code and Register of Lobbyists;
 - (b) consider the application of a lobbyists code and register to apply to contact between lobbyists and all Members of Parliament; and

- (c) consider whether legislation is required to further regulate the activities of lobbyists in Western Australia.
- (2) Inquire into and report on the appropriateness of the powers and penalties provided for in the *Parliamentary Privileges Act 1891* and *The Criminal Code* in respect to breaches of parliamentary privilege and contempts of parliament and requests the Legislative Assembly to agree to a similar resolution.

Debate ensued.

Want of Quorum

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

A quorum being formed, the debate continued.

The President left the Chair at 12.05pm

The President resumed the Chair at 12.21pm

Debate resumed.

Hon Norman Moore moved -

Line 1 — To delete “be appointed” and insert instead —

“ of three members be appointed from each House ”.

After paragraph (1)(c) — To insert —

“

(2) The select committee Standing Orders of the Legislative Council apply.

(3) The committee is to report to the Houses no later than 9 September 2008.
and requests the Legislative Assembly to agree to a similar resolution.

”.

Question that the words to be deleted, be deleted - put.

The House divided.

Ayes (14)

Hon Shelley Archer
Hon George Cash
Hon Peter Collier
Hon Brian Ellis
Hon Donna Faragher
Hon Ray Halligan
Hon Barry House

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

Noes (10)

Hon Vincent Catania
Hon Kim Chance
Hon Kate Doust
Hon Sue Ellery
Hon Jon Ford

Hon Batong Pham
Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Question thus passed.

Question that the words to be inserted, be inserted - put and passed.

Hon Norman Moore moved -

Before paragraph (2) — To insert —

“ That a select committee of 5 members be appointed to ”.

Paragraph (2) — To delete “and requests the Legislative Assembly to agree to a similar resolution”.

After paragraph (2) — To insert —

“

(2) The committee is to report to the House no later than 9 September 2008.

”.

Question - put and passed.

On the question, That the motion as amended be agreed to, as follows -

That a Joint Select Committee of three members be appointed from each House to -

- (1) Inquire into and report on regulation of lobbyists in Western Australia, and in particular to -
 - (a) review the State Government's Contact with Lobbyists Code and Register of Lobbyists;
 - (b) consider the application of a lobbyists code and register to apply to contact between lobbyists and all Members of Parliament; and
 - (c) consider whether legislation is required to further regulate the activities of lobbyists in Western Australia.
 - (2) The select committee Standing Orders of the Legislative Council apply.
 - (3) The committee is to report to the Houses no later than 9 September 2008.
- and requests the Legislative Assembly to agree to a similar resolution.

That a select committee of 5 members be appointed to -

- (1) Inquire into and report on the appropriateness of the powers and penalties provided for in the *Parliamentary Privileges Act 1891* and *The Criminal Code* in respect to breaches of parliamentary privilege and contempts of parliament.
- (2) The committee is to report to the Houses no later than 9 September 2008.

Question - put and passed.

Motion, as amended, agreed to.

5. Select Committee into Placement of Aboriginal and non-Aboriginal Children

Hon Robyn McSweeney moved, without notice -

- (1) That a select committee of three members be appointed, any two of whom make a quorum.
- (2) The committee and proceedings of the committee are subject to chapter XXII of Standing Orders and is to be regarded for all purposes as a committee appointed under that chapter.
- (3) The committee is to inquire into and report on -
 - (a) The reasons as to why 152 Aboriginal children under the age of six have had multiple placements;
 - (b) The reasons as to why 142 non-Aboriginal children under the age of six have had multiple placements;
 - (c) A review of the recommendations put forward by the Select Committee into the Adequacy of Foster Care Assessment Procedures by the Department of Community Development, which reported in August 2006;
 - (d) To review the Department of Child Protection policies and procedures on placing Aboriginal and non-Aboriginal children into care; and

(e) Any other related matter that the committee considers relevant.

(4) The Committee is to report no later than 23 October 2008.

Debate ensued.

Interruption pursuant to Temporary Order.

6. Standing Committee on Environment and Public Affairs - Special Report

Hon Bruce Donaldson presented the Special Report of the Standing Committee on Environment and Public Affairs advising of the Committee's resolution to commence an inquiry into the petitions process. (Tabled paper 4061).

Hon Bruce Donaldson moved, That the Report do lie upon the Table.

Question - put and passed.

7. Order of Business

Ordered - That Orders of the Day Nos 609, *City of Nedlands - Signs Local Law 2007 - Disallowance* and 616, *City of Fremantle - Local Law Relating to Outdoor Eating Areas Amendment Local Law 2007 - Disallowance* be taken after Order of the Day No. 372, *Equal Opportunity Amendment Bill 2006*. (Leader of the House).

8. Swan Districts Hospital (Eveline Road Site) Amendment By-Laws 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Ray Halligan moved, without notice -

That Order of the Day No. 610, *Swan Districts Hospital (Eveline Road Site) Amendment By-Laws 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

9. Peel Health Services By-Laws 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Ray Halligan moved, without notice -

That Order of the Day No. 611, *Peel Health Services By-Laws 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

10. Metropolitan Health Service By-Laws 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Ray Halligan moved, without notice -

That Order of the Day No. 612, *Metropolitan Health Service By-Laws 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

11. Fremantle Hospital Amendment By-Laws 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Ray Halligan moved, without notice -

That Order of the Day No. 613, *Fremantle Hospital Amendment By-Laws 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

12. Bentley Hospital Amendment By-Laws 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Ray Halligan moved, without notice -

That Order of the Day No. 614, *Bentley Hospital Amendment By-Laws 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

13. Armadale Kelmscott District Memorial Hospital Amendment By-Laws 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Ray Halligan moved, without notice -

That Order of the Day No. 615, *Armadale Kelmscott District Memorial Hospital Amendment By-Laws 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

14. Conservation and Land Management Amendment Regulations (No. 2) 2007 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Ray Halligan moved, without notice -

That Order of the Day No. 617, *Conservation and Land Management Amendment Regulations (No. 2) 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

15. City of Joondalup - Local Government and Public Property Amendment Local Law (No. 2) 2007 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Ray Halligan moved, without notice -

That Order of the Day No. 618, *City of Joondalup - Local Government and Public Property Amendment Local Law (No. 2) 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

16. Taxi Amendment Regulations 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Ray Halligan moved, without notice -

That Order of the Day No. 630, *Taxi Amendment Regulations 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

17. Order of Business

The Leader of the House sought leave of the House for Papers for Tabling to be now taken.

Leave granted.

18. Papers

The following Papers were laid on the Table by -

Leader of the House

Regulations -

Agriculture Protection Board Act 1950 (Agriculture Protection Board Amendment Regulations 2008 G.G. 27/05/2008) 4047

Leader of the House on behalf of the Minister for Local Government*Regulations -*

Vocational Education and Training Act 1996 (Vocational Education and Training Amendment Regulations 2008 G.G. 30/05/2008).....	4048
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Statutes -

University of Western Australia Act 1911 (University of Western Australia - Amending Statutes Nos. 8, 17 and 23 G.G. 30/05/2008).....	4049
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Leader of the House on behalf of the Minister for Employment Protection*Management Plans -*

Fish Resources Management Act 1994 (West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment (No. 2) 2008 [832] G.G. 30/05/2008)...	4050
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Regulations -

Employers' Indemnity Supplementation Fund Act 1980 (Employers' Indemnity Supplementation Fund Amendment and Repeal Regulations 2008 G.G. 27/05/2008)	4051
Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 2) 2008 G.G. 29/05/2008 and Fish Resources Management Amendment Regulations (No. 3) 2008 G.G. 27/05/2008)	4052

Minister for Child Protection*Notices -*

Health Act 1911 (City of Bunbury - Fees and Charges G.G. 27/05/2008).....	4053
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Rules -

Criminal Procedure Act 2004 (Criminal Procedure (District Court) Rules 2008 G.G. 30/05/2008).....	4054
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Parliamentary Secretary representing the Deputy Premier*Regulations -*

Land Tax Assessment Act 2002 (Land Tax Assessment Amendment Regulations 2008 G.G. 30/05/2008).....	4055
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**Parliamentary Secretary representing the Minister for the Environment on behalf of the
Parliamentary Secretary representing the Minister for Planning and Infrastructure***Regulations -*

Finance Brokers Control Act 1975 (Finance Brokers Control (General) Amendment Regulations 2008 G.G. 27/05/2008)	4056
Land Administration Act 1997 (Land Administration Amendment Regulations 2008 G.G. 30/05/2008).....	4057
Rail Safety Act 1998 (Rail Safety Amendment Regulations (No. 2) 2008 G.G. 30/05/2008)	4058
Road Traffic Act 1974 (Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2008 G.G. 30/05/2008, Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2008 G.G. 30/05/2008 and Road Traffic (Licensing) Amendment Regulations (No. 3) 2008 G.G. 30/05/2008).....	4059
Transport Co-ordination Act 1966 (Transport Co-ordination Amendment Regulations 2008 G.G. 30/05/2008).....	4060

19. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2008-2009

The Order of the Day having been read for the adjourned debate on the motion of the Parliamentary Secretary representing the Treasurer, That the Consolidated Fund Estimates 2008-2009 be noted.

Debate resumed.

On the motion of the Leader of the House, That the debate be adjourned to the next sitting.

Question - put.

The House divided.

Ayes (14)

Hon Shelley Archer
Hon Vincent Catania
Hon Kim Chance
Hon Kate Doust
Hon Sue Ellery
Hon Jon Ford
Hon Graham Giffard

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

Noes (12)

Hon Ken Baston
Hon George Cash
Hon Peter Collier
Hon Brian Ellis
Hon Donna Faragher
Hon Anthony Fels

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

Question thus passed.

20. Order of Business

Ordered - That Order of the Day No. 21, *Greenhouse Gas Emission Reduction (Power Stations) Bill 2008*, be taken forthwith. (Leader of the House).

21. Greenhouse Gas Emission Reduction (Power Stations) Bill 2008

Hon Paul Llewellyn, pursuant to notice, moved -

That a Bill for "An Act to establish a greenhouse gas emissions standard for new power stations in Western Australia" be introduced and read a first time.

Question - put and passed.

Bill read a first time.

Hon Paul Llewellyn moved, That the Bill be now read a second time.

Debate stands adjourned.

22. Order of Business

Ordered - That Order of the Day No. 315, *Statutes (Repeals and Minor Amendments) Bill 2008* be taken after Order of the Day No. 372, *Equal Opportunity Amendment Bill 2006*. (Leader of the House).

23. Indigenous Conservation Title Bill 2007

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

Debate ensued.

Hon Giz Watson, by leave, tabled a Department of Environment and Conservation document titled "Working Together - Joint Management in the Gibson Desert Nature Reserve". (Tabled paper 4062).

24. Questions Without Notice

Questions without notice were taken.

The Minister for Local Government representing the Minister for Education and Training tabled documents in relation to a memorandum regarding hours of work for children's crossing guards in, response to a question without notice asked by Hon Peter Collier. (Tabled paper 4063).

The Minister for Employment Protection representing the Minister for Police and Emergency Services tabled documents in relation to FESA standard operating procedure No. 66 for unexploded ordnance, in response to a question without notice asked by Hon Helen Morton. (Tabled paper 4064).

The Minister for Child Protection representing the Minister for Health tabled, and by leave incorporated into Hansard, documents in relation to details of medical services in Narrogin, in response to a question without notice asked by Hon Paul Llewellyn. (Tabled paper 4065).

The Leader of the House in accordance with Standing Order No 138(d), advised that an answer to questions on notice Nos 6232 and 6233 asked by Hon Norman Moore to the Leader of the House representing the Minister for Energy will be provided by Tuesday, 17 June 2008.

The Leader of the House in accordance with Standing Order 138(d), tabled a list of questions on notice Nos 6237, 6243 to 6245, 6247, 6262 to 6264, 6267, 6268, 6275, 6276, 6278 to 6281, 6283 to 6285 and 6287 asked by Hon Ray Halligan and due to be answered on 5 June 2008 and advised that answers will be provided as soon as possible. (Tabled paper 4066).

25. Indigenous Conservation Title Bill 2007

Debate resumed on the second reading of this Bill (cf item 23 above).

On the motion of Leader of the House the debate was adjourned to the next sitting.

26. Extension of Temporary Orders

The Leader of the House moved, without notice -

That the Temporary Orders adopted and in force on 15 May 2008 relating to the days and times of sittings of the Council and for the transaction of business be extended from Tuesday, 17 June 2008 until Thursday, 26 June 2008 inclusive.

Want of Quorum

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

A quorum being formed.

The motion requiring the concurrence of an absolute majority.

Question - put.

The Deputy 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.

27. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 17 June 2008.

Question - put and passed.

28. Adjournment

The House adjourned at 6.00pm until Tuesday, 17 June 2008 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Adele Farina and Hon Sheila Mills.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council