

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 172

TUESDAY, 20 NOVEMBER 2007

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. Statement by President - Mr Batong Vu Pham, Election

The President made the following Statement -

Honourable Members

I advise the House that on 19 November 2007 Mr Batong Vu Pham was elected as a Member of the East Metropolitan Region, to fill the vacancy created by the resignation of Hon Louise Pratt MLC. He will be sworn in as a Member of the Legislative Council for the 37th Parliament, to take his seat at a time and date to be fixed.

3. Petitions

Hon Graham Giffard presented a petition from 1 966 residents of Western Australia requesting the Legislative Council support maintaining Western Australia as a Genetically Modified (GM) Free Zone. (Tabled paper 3506).

Hon Ray Halligan presented a petition from 95 residents of Western Australia requesting the Legislative Council support retaining Allenswood and East Greenwood Primary Schools and surrounding land. (Tabled paper 3507).

Hon Barbara Scott presented a petition from 211 residents of Western Australia requesting the Legislative Council refer the *Prostitution Amendment Bill 2007* to a Standing Committee. (Tabled paper 3508).

Hon Giz Watson presented a petition from 910 residents of Western Australia requesting the Legislative Council support legislation to improve cat welfare in Western Australia. (Tabled paper 3509).

Hon Bruce Donaldson presented a petition from 944 residents of Western Australia requesting the Legislative Council oppose the Government's action to prohibit professional fishing in the metropolitan area. (Tabled paper 3510).

Hon Bruce Donaldson, by leave, presented a non-conforming petition from 2 476 residents of Western Australia requesting the Legislative Council oppose the Government's action to prohibit professional fishing in the metropolitan area. (Tabled paper 3511).

4. Papers

The following Papers were laid on the Table by -

President

Letters -

Letter from Senior Counsel, Mr Grant Donaldson to Fairweather and Lemonis (Barristers and Solicitors) and Letter from Fairweather and Lemonis to the President of the Legislative Council in regard to the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations	3504
Letter from Tottle Partners to the President of the Legislative Council in regard to the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations	3505
Letter from Mr Julian Grill to the President of the Legislative Council in regard to the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations	3512

Leader of the House

Annual Reports -

Public Sector Standards Commissioner, Office of the [OPSSC] (2006-2007) (Date received 19/11/2007)	3487
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Notices -

Financial Management Act 2006, Under Section 82 - Questions on Notice Nos 2811, 2815, 2816 and 2817 - asked in the Legislative Assembly on 16 October 2007 ..	3488
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Reports -

Public Sector Standards Commissioner, Office of the [OPSSC] - Compliance Report, Public Interest Disclosures (2006-2007)	3489
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Minister for Local Government

Local Laws -

Dog Act 1976 (City of Subiaco Dogs Amendment Local Law 2007 G.G. 26/10/2007)	3490
Local Government Act 1995 (Shire of Augusta-Margaret River Standing Orders Local Law 2007 G.G. 30/10/2007, Shire of Harvey - Extractive Industries Local Law 2007 G.G. 09/11/2007, and Shire of Harvey Local Law Relating to Signs and Other Advertising Devices 2007 G.G. 09/11/2007)	3491

Regulations -

Control of Vehicles (Off-road Areas) Act 1978 (Control of Vehicles (Off-road Areas) Amendment Regulations 2007 G.G. 26/10/2007)	3492
Vocational Education and Training Act 1996 (Vocational Education and Training Amendment Regulations 2007 G.G. 09/11/2007)	3493

Minister for Local Government on behalf of the Minister for Regional Development

Management Plans -

Fish Resources Management Act 1994 (West Coast Demersal Scalefish (Interim) Management Plan 2007 [827] G.G. 09/11/2007)	3494
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Minister for Child Protection

Regulations -

Criminal Procedure Act 2004 (Criminal Procedure Amendment Regulations 2007 G.G. 09/11/2007).....	3495
Health Act 1911 (Health (Meat Hygiene) Amendment Regulations (No. 3) 2007 G.G. 30/10/2007 and Health (Notification of Acute Rheumatic Fever) Regulations 2007 G.G. 30/10/2007)	3496
Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations (No. 3) 2007 G.G. 30/10/2007)	3497
Physiotherapists Act 2005 (Physiotherapists Amendment Regulations 2007 G.G. 30/10/2007)	3498
Workers' Compensation and Injury Management Act 1981 (Workers' Compensation and Injury Management Amendment Regulations 2007 G.G. 02/11/2007)	3499

Parliamentary Secretary representing the Minister for Planning and Infrastructure

Regulations -

Road Traffic Act 1974 (Road Traffic (Drivers' Licences) Amendment Regulations (No. 2) 2007 G.G. 09/11/2007 and Road Traffic (Towed Agricultural Implements) Amendment Regulations 2007 G.G. 24/10/2007)	3500
Settlement Agents Act 1981 (Settlement Agents Amendment Regulations (No. 3) 2007 G.G. 26/10/2007).....	3501

Parliamentary Secretary representing the Minister for the Environment

Regulations -

Environmental Protection Act 1986 (Environmental Protection Amendment Regulations (No. 2) 2007 G.G. 30/10/2007)	3502
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Reports -

Cockburn Sound Management Council - State of Cockburn Sound 2007	3503
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5. 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, 6 December 2007 to Thursday, 13 March 2008. (Tabled paper 3513).

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

Question - put and passed.

6. Shire of Cue Repeal Local Law 2007 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Shire of Cue Repeal Local Law 2007* published in the *Gazette* on 11 September 2007 and tabled in the Legislative Council on 20 September 2007 under the *Local Government Act 1995*, be and is hereby disallowed.

7. Fish Resources Management Amendment Regulations (No. 7) 2007 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Fish Resources Management Amendment Regulations (No. 7) 2007* published in the *Gazette* on 4 September 2007 and tabled in the Legislative Council on 20 September 2007 under the *Fish Resources Management Act 1994*, be and are hereby disallowed.

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

Hon Bruce Donaldson: To move on the next day of sitting -

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.

9. Matter of Urgency - West Coast Demersal Scalefish Management Plan - Metropolitan Fishing Zone

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, and express its concern at the lack of consultation by the Government with both the Commercial and Recreational Fishing sectors prior to the implementation of an exclusion zone between Lancelin and Mandurah by commercial fishers only.

Yours sincerely

Hon Bruce Donaldson

Member for the Agricultural Region

Four members having risen in support.

Hon Bruce Donaldson moved the motion.

Debate ensued.

Motion lapsed.

10. Order of Business

Ordered - That Orders of the Day Nos 484, *Mooring Amendment Regulations 2007*, 489, *Rights in Water and Irrigation Amendment Regulations 2007*, 490, *Rights in Water and Irrigation Amendment Regulations 2007*, 509, *Shire of Menzies - Dogs Local Law 2007*, 512, *Shire of Goomalling - Local Law Relating to Fencing 2007*, 515, *Poisons Amendment Regulations (No. 2) 2007*, 517, *Occupational Therapists Regulations 2007*, 527, *Town of Claremont Standing Orders Local Law 2007 - Disallowance*, 528, *Local Government (Rules of Conduct) Regulations 2007 - Disallowance* and 529, *Non-Coronial Post-Mortem Examinations Code of Practice 2007 - Disallowance*, be taken after Order of the Day No. 362, *Acts Amendment (Consent to Medical Treatment) Bill 2006*.

(Leader of the House).

Ordered - That Orders of the Day Nos 360, *Fines Legislation Amendment Bill 2006*, 524, *Water Resources Legislation Amendment Bill 2006*, 482, *Petroleum Amendment Bill 2007* and 371, *Police Amendment Bill 2006*, in that order, be taken before Order of the Day No. 479, *Human Reproductive Technology Amendment Bill 2007*. (Leader of the House).

11. Fines Legislation Amendment Bill 2006

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

Debate resumed.

12. Questions Without Notice

Questions without notice were taken.

The Minister for Local Government on behalf of the Minister for Regional Development representing the Minister for Police and Emergency Services tabled documents in relation to the Police Commissioner's guidelines and rules on video interviews applicable in 2003 at the time of the first Dante Arthurs interview, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 3514).

The Minister for Agriculture and Food tabled, and by leave incorporated into Hansard, details of costs for the public debate themed 'Food for Thought' on Monday, 12 November 2007, in response to a question without notice asked by Hon Anthony Fels. (Tabled paper 3515).

The Minister for Child Protection representing the Attorney General tabled documents in relation to timeline figures by contractor for court recordings and transcription for the Family Court and Magistrates Court from 1 January to 30 June 2007, in response to question on notice No. 5578 asked by Hon Giz Watson. (Tabled paper 3517).

The Parliamentary Secretary representing the Minister for Culture and the Arts tabled, and by leave incorporated into Hansard, an answer in relation to work carried out in the Centenary Gallery, in response to a question without notice asked by Hon Barbara Scott. (Tabled paper 3516).

13. Fines Legislation Amendment Bill 2006

Debate resumed on the second reading of this Bill (cf item 11 above).

On the motion of Minister for Child Protection the debate was adjourned to the next sitting.

14. Water Resources Legislation Amendment Bill 2006

The Order of the Day having been read for the consideration, in Committee, of Message No. 262 from the Legislative Assembly.

The Acting President left the Chair.

In Committee

(Hon Ray Halligan in the Chair)

The Message was as follows -

Mr President.

The Legislative Assembly acquaints the Legislative Council that it has considered the amendments made by the Legislative Council in the *Water Resources Legislation Amendment Bill 2006*, has agreed to Amendments Nos 1 to 30; and has disagreed to Amendment No. 31 and substituted a new amendment in its place, as set forth in the Schedule annexed, in which the Legislative Assembly desires the Legislative Council's concurrence.

Mrs D.J. Guise
Acting Speaker

Legislative Assembly Chamber
Perth, 25 October 2007

Schedule showing the amendment substituted by the Legislative Assembly for the amendment made by the Legislative Council in the Water Resources Legislation Amendment Bill 2006.

Amendment No. 31

That the amendment be disagreed to and the following amendment be substituted –

Clause 232.

Page 126, after line 26 – To insert –

“

- (5) Regulations may not be made under this section after the end of the 24 months after the day on which this Act receives the Royal Assent.

”.

The Leader of the House moved,

That the Legislative Council does not insist on Amendment No. 31 and further, that the Legislative Assembly substitute Amendment No. 31 be agreed to.

Debate ensued.

The Leader of the House moved, That progress be reported and leave asked to sit again.

Question - put and passed.

The Deputy President resumed the Chair.

The Deputy Chairman reported, That the Committee had considered Message No. 262 from the Legislative Assembly, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

15. Waste Avoidance and Resource Recovery Levy Bill 2007

The Deputy President reported the receipt of Message No. 267 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for the Environment moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for the Environment moved, That the Bill be now read a second time.

Debate stands adjourned.

16. Waste Avoidance and Resource Recovery Bill 2007

The Deputy President reported the receipt of Message No. 270 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for the Environment moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for the Environment moved, That the Bill be now read a second time.

Debate stands adjourned.

17. Petroleum Amendment Bill 2007

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

Debate resumed.

Interruption of Debate [SO 61(b)].

18. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.08pm until Wednesday, 21 November 2007 at 4.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jon Ford and Hon Robyn McSweeney.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council