

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 27

WEDNESDAY, 13 MAY 2009

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. Petitions

Hon Paul Llewellyn presented a petition, by delivery to the Clerk, [SO 130], from 12 petitioners requesting the Legislative Council oppose the redevelopment of Emu Point, Albany. (Tabled paper 762).

Hon Paul Llewellyn presented a petition, by delivery to the Clerk, [SO 130], from 2 195 petitioners requesting the Legislative Council support the retention of Blair Street and Koombana Drive, Lots 707, 681, and 723 as a Parks and Recreation Reserve. (Tabled paper 763).

Hon Sue Ellery, by leave, presented a non-conforming petition from 42 petitioners requesting the Legislative Council oppose land clearing in the Rockingham National Park. (Tabled paper 764).

3. Papers

The following Papers were laid on the Table by -

Leader of the House

Management Plans -

Fish Resources Management Act 1994 (West Coast Rock Lobster Management Plan Amendment (No. 4) 2009 [909] G.G. 01/05/2009) 741

Regulations -

Liquor Control Act 1988 (Liquor Control Amendment Regulations (No. 2) 2009 G.G. 01/05/2009, Liquor Control (Jigalong Restricted Area) Regulations 2009 G.G. 01/05/2009, and Liquor Control (Wangkatjungka Restricted Area) Amendment Regulations 2009 G.G. 21/04/2009) 742

Minister for Transport

By-laws -

Hospitals and Health Services Act 1927 (Royal Perth Hospital By-laws 2009 G.G. 17/04/2009) 743

Codes -

Occupational Therapists Act 2005 (Occupational Therapists Code of Practice 2009 G.G. 05/05/2009) 744

Notices -

Health Act 1911 (City of Armadale - Fees and Charges G.G. 05/05/2009) 745

Regulations -

Criminal Procedure Act 2004 (Criminal Procedure Amendment Regulations (No. 2) 2009
G.G. 08/05/2009) 746

Criminal Procedure Act 2004 (Criminal Procedure Amendment Regulations (No. 3) 2009
G.G. 21/04/2009) 747

Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations
(No. 3) 2009 G.G. 01/05/2009) 748

Occupational Therapists Act 2005 (Occupational Therapists Amendment Regulations 2009
G.G. 01/05/2009) 749

Podiatrists Act 2005 (Podiatrists Amendment Regulations 2009 G.G. 01/05/2009) 750

Poisons Act 1964 (Poisons Amendment Regulations (No. 2) 2009 G.G. 21/04/2009) 751

Road Traffic Act 1974 (Road Traffic (Miscellaneous) Amendment Regulations 2009
G.G. 24/04/2009) 752

Sentencing Act 1995 (Sentencing Amendment Regulations 2009 G.G. 21/04/2009) 753

Taxi Act 1994 (Taxi Amendment Regulations 2009 G.G. 24/04/2009) 754

Minister for Energy*Local Laws -*

Local Government Act 1995 (City of Mandurah Consolidated Local Laws Amendments 2008
G.G. 01/05/2009, City of Stirling Meeting Procedures Local Law 2009 G.G. 16/04/2009, and
Town of Victoria Park Signs Amendment Local Law 2008 G.G. 28/04/2009) 755

Regulations -

Firearms Act 1973 (Firearms Amendment Regulations (No. 2) 2009 G.G. 17/04/2009) 756

Minister for Child Protection*Regulations -*

Grain Marketing Act 2002 (Grain Marketing Amendment Regulations 2009 G.G. 24/04/2009) 757

Parliamentary Secretary representing the Treasurer*Regulations -*

Electricity Act 1945 (Electricity Amendment Regulations 2009 G.G. 08/05/2009) 758

Real Estate and Business Agents Act 1978 (Real Estate and Business Agents (General)
Amendment Regulations 2009 G.G. 17/04/2009) 759

Real Estate and Business Agents Act 1978 (Real Estate and Business Agents (General)
Amendment Regulations (No. 2) 2009 G.G. 08/05/2009) 760

Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932 (Western
Australian Aged Sailors, Soldiers and Airmen's Relief Fund Regulations 2009
G.G. 28/04/2009) 761

**4. Standing Committee on Estimates and Financial Operations - Twentieth Report -
“Royalties for Regions” Policy**

Hon Giz Watson presented the Twentieth Report of the Standing Committee on Estimates and
Financial Operations in relation to the “*Royalties for Regions*” Policy. (Tabled paper 765).

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

Question - put and passed.

Hon Giz Watson, by leave, made a Statement with respect to the Twentieth Report of the Standing Committee on Estimates and Financial Operations in relation to the “*Royalties for Regions*” Policy.

5. Native Forests

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

That in light of the Forest Product Commission’s poor financial performance in the native forest sector; the failure of regulation and compliance of native forest logging; the impact of logging on the habitat of vulnerable species; the compelling evidence of native forest ecosystems at risk of irreparable damage; and the compounding impact of climate change, this House calls on the Government to -

- (1) Set in place a full transition to plantation and farm forestry for the production of commodity timber products currently derived from native forests.
- (2) Immediately develop an exit strategy for the native forest commodity timber industry.
- (3) Put in place an independently refereed, scientifically based program to restore the ecological integrity of native forests which underpins the delivery of clean air, clean water, carbon sequestration, biodiversity and natural heritage values of the South West region.

6. Questions Without Notice

Questions without notice were taken.

The Minister for Transport tabled documents in relation to the Esperance Port Authority, being the Mineral Concentrate Circuit Upgrade review, Wastewater Monitoring Programme report and Water Treatment Plant discussion document, in response to a question without notice asked by Hon Ken Travers. (Tabled paper 766).

The Leader of the House representing the Premier tabled documents in relation to details of the Department of Premier and Cabinet’s office staff, as at 25 March 2009, who are classified at level nine or higher in response to question on notice No. 450 asked by Hon Ljiljanna Ravlich. (Tabled paper 767).

7. Native Forests

Debate resumed on the motion of Hon Giz Watson (cf item 5 above).

Interruption of Debate [SO 195].

8. Tobacco Products Control Amendment Bill 2008

The President reported the receipt of Message No. 25 from the Legislative Assembly forwarding the Bill for concurrence.

Hon Giz Watson moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

Hon Giz Watson moved, That the Bill be now read a second time.

Debate stands adjourned.

9. Co-operatives Bill 2009

The President reported the receipt of Message No. 27 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Commerce 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 Commerce moved, without notice -

That pursuant to Standing Order 230A(3), the *Co-operatives Bill 2009* do not stand referred to the Standing Committee on Uniform Legislation and Statutes Review.

Debate ensued.

Question - put and passed.

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

Debate stands adjourned.

10. Electoral Amendment (Miscellaneous) Bill 2008

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 28

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Electoral Amendment (Miscellaneous) Bill 2008* without amendment.

Mrs Liza Harvey MLA

Acting Speaker

Legislative Assembly Chamber

Perth, 13 May 2009

11. Order of Business

Ordered - That Orders of the Day Nos 1, *Genetically Modified Crops Free Areas Exemption Order 2009 - Disallowance*, 2, *Children's Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, 3, *District Court (Fees) Amendment Regulations 2008 - Disallowance*, 4, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, 5, *Supreme Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, 6, *State Administrative Tribunal Amendment Rules (No. 2) 2008 - Disallowance*, 7, *Town of Cambridge - Parking Amendment Local Law 2008 - Disallowance*, 8, *Poisons Amendment Regulations (No. 2) 2008 - Disallowance*, 9, *City of Wanneroo - Standing Orders Local Law 2008 - Disallowance*, 10, *Medical Practitioners Regulations 2008 - Disallowance*, and 11, *Occupational Safety and Health Amendment Regulations 2008 - Disallowance*, be taken after Order of the Day No. 20, *Standing Committee on Uniform Legislation and Statutes Review - Report No. 19 - Administrative Practices and Procedures and Parliamentary Processes involving Treaties entered into, or proposed to be entered into, by the Commonwealth*. (Leader of the House).

12. Select Committee into the Police Raid on *The Sunday Times*

The Order of the Day having been read for the adjourned debate on the motion of Hon George Cash, as follows -

That Recommendation No. 6 of the First Report of the Select Committee into the Police Raid on *The Sunday Times* be adopted and agreed to.

Debate resumed.

Question - put and passed.

13. National Gas Access (WA) Bill 2008

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

Debate resumed.

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

14. Adjournment

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

Question - put and passed.

The House adjourned at 8.54pm until Thursday, 14 May 2009 at 11.00am.

Members present during the day's proceedings

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

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council