

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 207

TUESDAY, 3 JUNE 2008

1. Meeting of Council

The Council assembled at 3.30pm pursuant to Temporary Order.

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

2. Papers

The following Papers were laid on the Table by -

President

Reports -

Inspector of Custodial Services - Report of an Announced Inspection of Rangeview
Juvenile Remand Centre (Report No. 50) (April 2008) (Date received 30/04/2008).... 4025

Inspector of Custodial Services - Report into the Review of Assessment and
Classification within the Department of Corrective Services (Report No. 51)
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Leader of the House

By-laws -

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Metropolitan Water Supply, Sewerage, and Drainage Act 1909 (Metropolitan Water
Supply, Sewerage and Drainage Amendment By-laws 2008 G.G. 23/05/2008) 4028

Regulations -

Aerial Spraying Control Act 1966 (Aerial Spraying Control Amendment Regulations 2008
G.G. 20/05/2008)..... 4029

Agriculture and Related Resources Protection Act 1976 (Agriculture and Related Resources
Protection (Declared Animals) Amendment Regulations 2008 G.G. 20/05/2008) 4030

Artificial Breeding of Stock Act 1965 (Artificial Breeding (Cattle) Amendment Regulations
2008 G.G. 20/05/2008) 4031

Beekeepers Act 1963 (Beekeepers Amendment Regulations 2008 G.G. 20/05/2008) 4032

Exotic Diseases of Animals Act 1993 (Exotic Diseases (General) Amendment Regulations 2008
G.G. 20/05/2008)..... 4033

Plant Diseases Act 1914 (Plant Diseases Amendment Regulations 2008 G.G. 20/05/2008).....	4034
Stock Diseases (Regulations) Act 1968 (Enzootic Diseases Amendment Regulations (No. 3) 2008 G.G. 23/05/2008 and Enzootic Diseases Amendment Regulations (No. 4) 2008 G.G. 20/05/2008).....	4035
Stock (Identification and Movement) Act 1970 (Stock (Identification and Movement) Amendment Regulations 2008 G.G. 20/05/2008).....	4036

Minister for Local Government

Local Laws -

Local Government Act 1995 (Shire of Toodyay Standing Orders Local Law 2008 G.G. 21/05/2008).....	4037
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Minister for Child Protection

Local Laws -

Health Act 1911 (Shire of Northampton Health Amendment Local Laws 2008 G.G. 23/05/2008 and Shire of Plantagenet - Health Amendment Local Laws 2008 G.G. 20/05/2008).....	4038
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Rules -

Magistrates Court Act 2004 (Magistrates Court (General) Amendment (Road Traffic) Rules 2008 G.G. 23/05/2008).....	4039
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Minister for Child Protection on behalf of the Parliamentary Secretary representing the Deputy Premier

Budget Papers and Related Papers -

Quarterly Financial Report 2007-2008 (March 2008).....	4040
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Regulations -

State Trading Concerns Act 1916 (State Trading Concerns (Authorisation) Amendment Regulations 2008 G.G. 23/05/2008).....	4041
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3. Greenhouse Gas Emission Reduction (Power Stations) Bill 2008

Hon Paul Llewellyn: To move on the next day of sitting -

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.

4. Prisons Amendment Regulations 2008 - Disallowance

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

That the *Prisons Amendment Regulations 2008* published in the *Gazette* on 28 March 2008 and tabled in the Legislative Council on 2 April 2008 under the *Prisons Act 1981*, be and are hereby disallowed.

5. Order of Business

Ordered - That Orders of the Day Nos 609, *City of Nedlands - Signs Local Law 2007 - Disallowance*, 610, *Swan Districts Hospital (Eveline Road Site) Amendment By-Laws 2008 - Disallowance*, 611, *Peel Health Services By-Laws 2008 - Disallowance*, 612, *Metropolitan Health Service By-Laws 2008 - Disallowance*, 613, *Fremantle Hospital Amendment By-Laws 2008 - Disallowance*, 614, *Bentley Hospital Amendment By-Laws 2008 - Disallowance*, 615, *Armadale Kelmscott District Memorial Hospital Amendment By-Laws 2008 - Disallowance*, 616, *City of Fremantle - Local Law Relating to Outdoor Eating Areas Amendment Local Law 2007 - Disallowance*, 617, *Conservation and Land Management Amendment Regulations (No. 2) 2007 - Disallowance*, and 618, *City of Joondalup -*

Local Government and Public Property Amendment Local Law (No. 2) 2007 - Disallowance, be taken after Order of the Day No. 500, *Occupational Safety and Health Legislation Amendment Bill 2007*. (Leader of the House).

6. City of Nedlands - Fencing Local Laws 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. 608, *City of Nedlands - Fencing Local Laws 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

7. City of Cockburn - Parking and Parking Facilities Local Law 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. 619, *City of Cockburn - Parking and Parking Facilities Local Law 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

8. Public Transport Authority 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. 627, *Public Transport Authority Amendment Regulations 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

9. 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.

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.

On the motion of Hon Ken Baston the debate was adjourned to the next sitting.

10. Children and Community Services Amendment (Reporting Sexual Abuse of Children) Bill 2007

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

The Leader of the House on behalf of the Minister for Child Protection 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.

11. Road Traffic Amendment Bill 2008

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

Debate ensued.

Question - put and passed.

Bill read a second time.

12. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Resources tabled, and by leave incorporated into Hansard, an answer in relation to forecast quantity and value of iron ore production for each year from 2007-2008 to 2011-2012, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 4042).

The Minister for Child Protection tabled, and by leave incorporated into Hansard, an answer in relation to details of placements of non-aboriginal and aboriginal children, ages 1 to 5 years and the breakdown of regions, in response to a question without notice asked by Hon Robyn McSweeney. (Tabled paper 4043).

The Leader of the House in accordance with Standing Order No. 138(d), tabled a summary of outstanding questions due to be answered today and advised that answers to questions on notice Nos 6169, 6189, 6191, 6192, 6200 and 6207 asked by Hon Helen Morton will be provided when they become available. (Tabled paper 4044).

The Parliamentary Secretary representing the Minister for the Environment on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 6158 asked by Hon Ray Halligan will be provided on 26 June 2008.

13. Road Traffic Amendment Bill 2008

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1 agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clause 6 agreed to.

Clause 7.

Debate ensued.

Question, That the Clause stand as printed - put.

The Committee divided.

Ayes (23)

Hon Matt Benson-Lidholm
 Hon George Cash
 Hon Vincent Catania
 Hon Kim Chance
 Hon Peter Collier
 Hon Bruce Donaldson
 Hon Wendy Duncan
 Hon Sue Ellery
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Anthony Fels
 Hon Jon Ford

Hon Graham Giffard
 Hon Ray Halligan
 Hon Barry House
 Hon Robyn McSweeney
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Batong Pham
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ed Dermer (*Teller*)

Noes (3)

Hon Shelley Archer
 Hon Paul Llewellyn

Hon Giz Watson (*Teller*)

Question thus passed.

Clause 8.

Debate ensued.

Clause agreed to.

Clauses 9 to 11 agreed to.

Clause 12.

Debate ensued.

Clause agreed to.

Clauses 13 to 25 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

Ordered - That the third reading of the Bill be made an Order of the Day for the next sitting.

14. Minerals and Energy Research Amendment Bill 2006

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 Acting President left the Chair.

In Committee

(Hon Ray Halligan in the Chair)

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Point of Order

Hon Norman Moore raised the following Point of Order -

My understanding is that Hon Paul Llewellyn is seeking to further amend the Act, as opposed to amending the Bill now before the committee. If he is seeking to do that, I seek your advice, Mr Deputy Chairman, on whether that is within the scope of the Bill. If we read the Member's proposed amendment, we see that it is not an amendment to the Bill, it is an amendment to the principal Act, which makes it an additional amendment.

Deputy Chairman's Ruling

The Deputy Chairman ruled as follows -

It appears that amendments must be within the scope and purpose of the Bill, and of course the whole Bill before us amends the principal Act. Whilst the proposed amendment moved by Hon Paul Llewellyn does not amend the Bill itself, provided it is within the scope and meaning of the Bill, it is acceptable.

Debate resumed.

Hon Paul Llewellyn moved -

Page 2, after line 14 — To insert —

“

(a) by deleting “the development of” and inserting instead —

“ improved economic, social and environmental outcomes from ”.

”.

Debate ensued.

Amendment - put and negatived.

On the question, That the Clause stand as printed - put and passed.

Clause 5.

Debate ensued.

Clause agreed to.

Clauses 6 to 14 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

Ordered - That the third reading of the Bill be made an Order of the Day for the next sitting.

15. Acts Amendment (Consent to Medical Treatment) Bill 2006

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

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

The Acting 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.

16. Statutes (Repeals and Minor Amendments) Bill 2006

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

Debate resumed.

Interruption pursuant to Temporary Order.

17. Members' Statements

Members' statements were taken.

18. Adjournment

The House adjourned at 10.17pm until Wednesday, 4 June 2008 at 2.00pm.

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