

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 44

TUESDAY, 18 AUGUST 2009

1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

The President, Hon Barry House, took the Chair and read prayers.

2. Ministerial Statement - Black Smoke detected at the Esperance Port

The Minister for Transport made a Ministerial Statement with respect to black smoke detected at the Black Swan storage shed at the Esperance Port on 18 August 2009.

Ordered - That consideration of the Ministerial Statement be made an Order of the Day for the next sitting.

3. Ministerial Statement - Australian Bravery Medal

The Minister for Environment made a Ministerial Statement with respect to an announcement by the Governor-General of the Commonwealth of Australia in relation to an Australian Bravery Medal to be awarded to Mr Paul Udinga, a national park ranger with the Department of Environment and Conservation, for saving the life of a visitor from the United Kingdom.

Ordered - That consideration of the Ministerial Statement be made an Order of the Day for the next sitting.

4. Ministerial Statement - Small Business Advocate

The Parliamentary Secretary representing the Minister for Commerce made a Ministerial Statement with respect to the establishment of a Small Business Advocate to advise and support small business operators on commercial tenancy issues.

Ordered - That consideration of the Ministerial Statement be made an Order of the Day for the next sitting.

5. Matter of Urgency - Landfill Waste Levy Increase

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, the Minister for Environment's failure to manage the proposed budget increase to the waste levy and her disregard for the confusion and uncertainty that her mismanagement of

this issue is causing to local government, Western Australian ratepayers and waste management stakeholders.

Yours sincerely

Hon Sally Talbot

Member for South West Region

Four members having risen in support.

Hon Sally Talbot moved the motion.

Debate ensued.

Motion lapsed.

6. Standardisation of Formatting Bill 2009

The Parliamentary Secretary representing the Attorney General, pursuant to notice, moved -

That a Bill for “An Act to amend various written laws to standardise the formatting of certain aspects of those laws.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a second time.

Debate stands adjourned.

7. Child Exploitation Material and Classification Legislation Amendment Bill 2009

The Minister for Transport moved, without notice -

That the Order of the Day be discharged and the Bill be referred to the Standing Committee on Uniform Legislation and Statutes Review for consideration and report not later than Thursday, 17 September 2009.

Debate ensued.

Question - put and passed.

8. Order of Business

Ordered - That Orders of the Day Nos 1, *City of Joondalup Cats Local Law 2008 - Disallowance*, 2, *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009 - Disallowance*, and 4, *City of Stirling - Thoroughfares and Public Places Local Law 2009 - Disallowance*, be taken after Order of the Day No. 16, *First Home Owner Grant Amendment Bill 2009*. (Leader of the House).

9. City of Wanneroo - Private Property Amendment Local Law 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice -

That Order of the Day No. 3, *City of Wanneroo - Private Property Amendment Local Law 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

10. Criminal Code Amendment Bill 2008

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

Debate ensued.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Transport tabled documents in relation to the Public Transport Authority contract awarded to Parsons Brinkerhoff Australian Pty. Ltd. in relation to the proposed North Eastern Growth Corridor Public Transport Strategy Pre-Feasibility Study, in response to a question without notice asked by Hon Ken Travers. (Tabled paper 1044).

The Parliamentary Secretary representing the Treasurer tabled, and by leave incorporated into Hansard, an answer in relation to agencies with annual grants expenditure in excess of \$100,000 in response to a question without notice asked by Hon Sue Ellery. (Tabled paper 1045).

12. Criminal Code Amendment Bill 2008

Debate resumed on the second reading of this Bill (cf item 10 above).

Extension of time - Leave granted to Hon Giz Watson to extend her speaking time.

Hon Giz Watson moved, without notice -

That the *Criminal Code Amendment Bill 2008* be discharged and referred to the Standing Committee on Legislation.

Debate ensued.

Question - put.

The House divided.

Ayes (4)

Hon Lynn MacLaren
Hon Giz Watson

Hon Alison Xamon
Hon Robin Chapple (*Teller*)

Noes (27)

Hon Liz Behjat
Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Ed Dermer
Hon Kate Doust
Hon Wendy Duncan
Hon Phil Edman
Hon Sue Ellery
Hon Brian Ellis
Hon Donna Faragher
Hon Adele Farina

Hon Jock Ferguson
Hon Philip Gardiner
Hon Nick Goiran
Hon Alyssa Hayden
Hon Col Holt
Hon Robyn McSweeney
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Question thus negatived.

Debate resumed.

Interruption of Debate [SO 61(b)]

13. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.17pm until Wednesday, 19 August 2009 at 4.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jon Ford.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council