

LEGISLATIVE COUNCIL
THURSDAY, 29 NOVEMBER 2007

11.00am

Prayers

11.00AM - ORDER OF BUSINESS

Petitions

(Hon Barbara Scott)

Statements by Ministers and Parliamentary Secretaries

Papers for Tabling

(Leader of the House)

(Minister for Child Protection)

(Parliamentary Secretary representing the Minister for Planning and
Infrastructure)

Notice of Questions

Notices of Motions for Disallowance

Notices of Motions to Introduce Bills

Notices of Motions

Motions without Notice

11.00am Motions on Notice

12.00pm Consideration of Committee Reports

2.00pm Orders of the Day

4.00pm Questions without Notice

4.30pm Orders of the Day (continued)

5.00pm House adjourns

MOTIONS

56. Broadband Internet - Use of Future Fund (*Notice given 27 March 2007*)

Continuation of introductory remarks Hon Vincent Catania (Wednesday, 28 November 2007) in moving the following motion -

That this House urges the Federal Government to support the use of the Future Fund in order to provide the necessary public investment in broadband internet access throughout Australia.

In particular, this House urges the Federal Government to acknowledge that -

- (a) the urban broadband network is inadequate to meet current or future demands;
- (b) Western Australia's mining companies, pastoralists, farmers and communities function in regions that are as remote from administrative centres as any in the world;
- (c) Tele-health capacity would enable quality health services to be delivered via a broadband network to areas where such services are currently impossible; and
- (d) the use of the Future Fund to enable public investment in the national broadband network is a valid and essential means of achieving the aims of the Fund by investing in Australia's future in commerce, education and health.

57. Aboriginal Child Health Survey (*Notice given 3 April 2007*)

Hon Barbara Scott: To move -

That this House -

- (1) Urges the State Government to take seriously the Western Australian Aboriginal Child Health Survey - Strengthening the Capacity of Aboriginal Children, Families and Communities (Volume 4);
- (2) Set some realistic and achievable time frames for the implementation of the recommended actions;
- (3) Establish an inter-government agency approach to prioritising the recommended actions; and
- (4) Ensure programs build capability in families and communities with Aboriginal and Torres Strait Islander children.

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CONSIDERATION OF COMMITTEE REPORTS

- 385. Joint Standing Committee on the Corruption and Crime Commission - Report No. 22 - Public Hearing with the Corruption and Crime Commission on 21 March 2007 - Committee Report (Tabled 5 April 2007)**

Consideration. *See Tabled paper No. 2617.*

- 386. Joint Standing Committee on the Corruption and Crime Commission - Report No. 23 - Examination of the 2005-2006 Annual Report of the Corruption and Crime Commission - Committee Report (Tabled 5 April 2007)**

Consideration. *See Tabled paper No. 2618.*

- 389. Standing Committee on Uniform Legislation and Statutes Review - Report No. 17 - Annual Report 2006 - Committee Report (Tabled 1 May 2007)**

Consideration. *See Tabled paper No. 2623.*

- 394. Standing Committee on Public Administration - Report No. 4 - A Matter Arising from the Committee's Annual Report 2006 - Management of Asbestos Containing Materials in Western Australian Schools - Committee Report (Tabled 2 May 2007)**

Consideration. *See Tabled paper No. 2634.*

- 408. Standing Committee on Estimates and Financial Operations - Report No. 7 - Annual Report 2006 - Committee Report (Tabled 29 May 2007)**

Consideration. *See Tabled paper No. 2736.*

- 409. Joint Standing Committee on the Corruption and Crime Commission - Report No. 24 - Interim Report on Amendments to the Corruption and Crime Commission Act 2003 - A Public Interest Monitor - Committee Report (Deemed Tabled 17 May 2007)**

Consideration. *See Tabled paper No. 2716.*

- 410. Joint Standing Committee on the Corruption and Crime Commission - Report No. 25 - Report on Past Misconduct Inquiry - Western Australia Police - Committee Report (Deemed Tabled 17 May 2007)**

Consideration. *See Tabled paper No. 2717.*

- 432. Standing Committee on Procedure and Privileges - Special Report - In Relation to a Request for Power to Confer With a Select Committee - Committee Report (Tabled 6 June 2007)**

Consideration. *See Tabled paper No. 2767.*

- 433. Joint Standing Committee on Delegated Legislation - Report No. 23 - Issues of Concern Raised by the Committee Between 1 May 2006 and 30 April 2007 With Respect to Local Laws - Committee Report (Tabled 7 June 2007)**

Consideration. *See Tabled paper No. 2788.*

ORDERS OF THE DAY

527. Town of Claremont Standing Orders Local Law 2007 - Disallowance

Moved *pro forma* (SO 152(b)) Tuesday, 20 November 2007 on the motion of Hon Ray Halligan (Days remaining 5 after today)

That the *Town of Claremont Standing Orders Local Law 2007* published in the *Gazette* on 23 August 2007 and tabled in the Legislative Council on 5 September 2007 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 3095).

528. Local Government (Rules of Conduct) Regulations 2007 - Disallowance

Moved *pro forma* (SO 152(b)) Tuesday, 20 November 2007 on the motion of Hon Ray Halligan (Days remaining 5 after today)

That the *Local Government (Rules of Conduct) Regulations 2007* published in the *Gazette* on 21 August 2007 and tabled in the Legislative Council on 5 September 2007 under the *Local Government Act 1995*, be and are hereby disallowed. (Tabled paper 3096).

529. Non-Coronial Post-Mortem Examinations Code of Practice 2007 - Disallowance

Moved *pro forma* (SO 152(b)) Tuesday, 20 November 2007 on the motion of Hon Ray Halligan (Days remaining 5 after today)

That the *Non-Coronial Post-Mortem Examinations Code of Practice 2007* published in the *Gazette* on 24 August 2007 and tabled in the Legislative Council on 5 September 2007 under the *Human Tissue and Transplant Act 1982*, be and is hereby disallowed. (Tabled paper 3100).

542. Shire of Cue Repeal Local Law 2007 - Disallowance

Moved *pro forma* (SO 152(b)) Tuesday, 27 November 2007 on the motion of Hon Ray Halligan (Days remaining 8 after today)

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. (Tabled paper 3152).

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

Moved *pro forma* (SO 152(b)) Tuesday, 27 November 2007 on the motion of Hon Ray Halligan (Days remaining 8 after today)

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. (Tabled paper 3155)

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

Moved *pro forma* (SO 152(b)) Tuesday, 27 November 2007 on the motion of Hon Bruce Donaldson (Days remaining 8 after today)

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. (Tabled paper 3494).

547. Prohibition on Commercial Fishing (Metropolitan Waters) Order 2007 - Disallowance

Moved *pro forma* (SO 152(b)) Thursday, 29 November 2007 on the motion of Hon Bruce Donaldson (Days remaining 10 after today)

That the *Prohibition on Commercial Fishing (Metropolitan Waters) Order 2007* published in the *Gazette* on 13 November 2007 and tabled in the Legislative Council on 22 November 2007 under the *Fish Resources Management Act 1994*, be and is hereby disallowed. (Tabled paper 3528).

526. Report of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations (Notice given 13 November 2007)

Resumption of debate on the amendment of Leader of the House as follows -

To delete all words after "That" and insert -

- (1) The severity of the findings of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations in relation to the false evidence provided to the Committee by Hon Shelley Archer, warrant the House to determine that Hon Shelley Archer should be expelled from the Parliament.
- (2) The severity of the findings of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations in relation to the false evidence provided to the Committee by Hon Anthony Fels, warrant the House to determine that Hon Anthony Fels should be expelled from the Parliament.
- (3) Recommendations 3, 6, 9, 10, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 be agreed to.
- (4) The House defers consideration of recommendations 1, 4, 7, 11 and 14.
- (5) Noting the findings of the Select Committee in recommendations 2, 5, 8, 12 and 15 that Mr Nathan McMahon, Hon Shelley Archer MLC, Hon Anthony Fels MLC, Mr Brian Burke and Mr Noel Crichton-Browne have provided false evidence to the Select Committee, the House refers these findings to the Director of Public Prosecutions to assess whether those persons should be prosecuted for a breach of section 57 or of any other provision of the *Criminal Code* and if of that view to commence such prosecution or prosecutions.
- (6) The House notes the Select Committee's recommendation 35 and authorises the disclosure or publication of the evidence taken by the Committee and of any documents presented to

the Committee to the Director of Public Prosecutions and to any other agency or agencies to which any matter in the report is referred to the extent necessary or expedient to enable the Director of Public Prosecutions and any such agency or agencies to discharge their functions.

- (7) The House refers the Select Committee's observations 1 and 2 to the Attorney General with the request that he ask the Solicitor General to consider referring, and if he considers it appropriate to refer, the matters discussed in the observations and relevantly in the report generally to any appropriate agency or agencies for consideration in accordance with their functions.
- (8) In relation to observation 3, the House notes that Hon Shelley Archer may have committed a grave contempt of the Parliament and refers this observation to the Standing Committee on Procedure and Privilege for its consideration and report.

to the motion of Hon Murray Criddle as follows -

That the recommendations contained in the report of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations be adopted and agreed to. *See Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations Report (Tabled 13 November 2007).*

524. Water Resources Legislation Amendment Bill 2006 [LA 138-2] (13 November 2007)

Further consideration in Committee of the Whole on the motion of the Leader of the House -

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

in relation to Legislative Assembly Message No. 262 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.

Dianne Guise
Acting Speaker

Legislative Assembly Chamber
Perth, 25 October 2007

533. Road Traffic Amendment Bill (No. 2) 2007 [LA 220-1] (15 November 2007)

Consideration in Committee of the Whole of Legislative Assembly Message No. 268 as follows -

Mr President.

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The Legislative Assembly acquaints the Legislative Council that it has considered and agreed to the amendments made by the Legislative Council in the *Road Traffic Amendment Bill (No.2) 2007*, subject to further amendments, as set forth in the Schedule annexed, in which the Legislative Assembly desires the Legislative Council's concurrence.

Fred Riebeling
Speaker

Legislative Assembly Chamber
Perth, 15 November 2007

***479. Human Reproductive Technology Amendment Bill 2007 [LA 194-1]**
Minister for Child Protection

Second reading continuation of remarks Hon Ed Dermer - mins 22 (Thursday, 22 November 2007). (Standing Order 230A no longer applies). *See Standing Committee on Uniform Legislation and Statutes Review Report No. 23 (Tabled 18 October 2007).*

***360. Fines Legislation Amendment Bill 2006 [LA 161-2] Minister for Child Protection**

Second reading adjourned Minister for Child Protection (Tuesday, 20 November 2007). *cf SNP 161 Issue 4 - 13 November 2007.*

***396. Public Trustee and Trustee Companies Legislation Amendment Bill 2006 [LA 102-2] Minister for Child Protection representing the Attorney General**

Second reading continuation of remarks Hon Paul Llewellyn mins - 41 (Wednesday, 24 October 2007). *cf SNP 102 Issue 2 - 16 October 2007.*

***482. Petroleum Amendment Bill 2007 [LA 227-1] Leader of the House representing the Minister for Resources**

Second reading continuation of remarks Hon George Cash - mins 45 (Tuesday, 20 November 2007). *cf SNP 227 Issue 1 - 20 November 2007.*

453. Casino (Burswood Island) Agreement Amendment Bill 2007 [LC 213-1] Minister for Racing and Gaming

Second reading adjourned (Tuesday, 14 August 2007).

***371. Police Amendment Bill 2006 [LA 184-1] Minister for Regional Development**

Second reading adjourned (Wednesday, 21 March 2007). *cf SNP 184 Issue 2 - 16 October 2007*

497. Local Government (Miscellaneous Provisions) Amendment (Smoke Alarms) Bill 2007 [LA 203-1] Minister for Local Government representing the Minister for Housing and Works

Second reading adjourned (Thursday, 27 September 2007).

501. Mines Safety and Inspection Amendment Bill 2007 [LA 210-1] Minister for Child Protection representing the Minister for Employment Protection

Second reading adjourned (Tuesday, 16 October 2007).

483. Judges' Salaries and Pensions Amendment Bill 2007 [LA 214-2] Minister for Child Protection representing the Attorney General

Second reading adjourned (Thursday, 20 September 2007).

471. Terrorism (Preventative Detention) Amendment Bill 2007 [LA 215-1] Minister for Regional Development

Second reading adjourned (Wednesday, 5 September 2007).

469. Eastern Goldfields Transport Board Repeal Bill 2007 [LA 199-1]
Parliamentary Secretary representing the Minister for Planning and Infrastructure

Second reading adjourned (Thursday, 30 August 2007).

499. State Supply Commission Amendment Bill 2007 [LA 225-1] *Parliamentary Secretary representing the Treasurer*

Second reading adjourned (Tuesday, 16 October 2007).

***244. Dental Bill 2005 [LA 113-2B]** *Minister for Child Protection*

Second reading adjourned (Thursday, 11 May 2006). *cf SNP 113 Issue 1 - 2 May 2007.*

***362. Acts Amendment (Consent to Medical Treatment) Bill 2006 [LA 149-2]**
Minister for Child Protection

Committee progress clause 11 (section 110Q (1)) (Thursday, 15 November 2007). *cf SNP 149 Issue 8 - 28 November 2007. See Standing Committee on Legislation Report No. 10 (Tabled 25 October 2007).*

6. Constitution Amendment Bill 2005 [LC 001-1] *Minister for Child Protection*

Second reading adjourned (Wednesday, 30 March 2005).

* For amendments see Supplementary Notice Paper and/or Committee Report

MALCOLM PEACOCK
 Clerk of the Legislative Council

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