

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 24

WEDNESDAY, 6 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 Wendy Duncan presented a petition, by delivery to the Clerk, [SO 130], from 81 petitioners requesting the Legislative Council support the upgrade and expansion of the Esperance Residential College. (Tabled paper 715).

Hon Barry House presented a petition from 695 petitioners requesting the Legislative Council oppose the redevelopment of the Turner Caravan Park by the Shire of Augusta-Margaret River. (Tabled paper 716).

Hon Barry House, by leave, presented a non-conforming petition from 152 petitioners requesting the Legislative Council support the *Criminal Code Amendment Bill 2008*. (Tabled paper 717).

3. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers -

Audit Results Report - 31 December 2008 Assurance Audits and Other Audits Completed Since 3 November 2008 (Report No.3) (May 2009)	709
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Reports -

Public Sector Standards Commissioner, Office of the [OPSSC] - Parliamentary Series Report Four - Management of Recruitments.....	710
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Leader of the House

Management Plans -

Fish Resources Management Act 1994 (South West Trawl Management Plan Amendment 2009 [895] G.G. 07/04/2009).....	711
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Minister for Transport

Rules -

Legal Profession Act 2008 (Legal Profession Amendment Rules 2009 G.G. 07/04/2009)..... 712

Minister for Energy

Local Laws -

Local Government Act 1995 (City of Stirling Thoroughfares and Public Places Local Law 2009
G.G. 09/04/2009, City of Wanneroo Animals Amendment Local Law 2008 G.G. 09/04/2009,
City of Wanneroo Bush Fire Brigades Amendment Local Law 2008 G.G. 09/04/2009, City of
Wanneroo Extractive Industries Amendment Local Law 2008 G.G. 09/04/2009, City of
Wanneroo Local Government and Public Property Amendment Local Law 2008 G.G.
09/04/2009, City of Wanneroo Parking and Parking Facilities Amendment Local Law 2008
G.G. 09/04/2009, City of Wanneroo Private Property Amendment Local Law 2008 G.G.
09/04/2009, City of Wanneroo Signs Amendment Local Law 2008 G.G. 09/04/2009, City of
Wanneroo Trading in Public Places Amendment Local Law 2008 G.G. 09/04/2009, and Shire
of Collie Standing Orders Local Law 2008 G.G. 06/04/2009) 713

Minister for Environment

Leases -

CALM Lease No. 1329/97 - Between CALM and G and A Simcock Pty Ltd - Portion
of State forest No. 37..... 714

4. Medical Practitioners Regulations 2008 - Disallowance

Hon Shelley Eaton: To move on the next day of sitting -

That the *Medical Practitioners Regulations 2008* published in the *Gazette* on 25 November 2008 and tabled in the Legislative Council on 9 December 2008 under the *Medical Practitioners Act 2008*, be and are hereby disallowed.

5. Occupational Safety and Health Amendment Regulations 2008 - Disallowance

Hon Shelley Eaton: To move on the next day of sitting -

That the *Occupational Safety and Health Amendment Regulations 2008* published in the *Gazette* on 28 November 2008 and tabled in the Legislative Council on 9 December 2008 under the *Occupational Safety and Health Act 1984*, be and are hereby disallowed.

6. Metropolitan Region Scheme Amendments Nos 1127/41, 1128/41, 1129/41 and 1130/41 Baldivis Urban Expansion Area, City of Rockingham - Withdrawn from Notice Paper

Hon Shelley Eaton on behalf of Hon Kim Chance, by leave, moved without notice -

That Motion No. 18, *Metropolitan Region Scheme Amendments Nos 1127/41, 1128/41,
1129/41 and 1130/41 Baldivis Urban Expansion Area, City of Rockingham*, be withdrawn
from the Notice Paper.

Question - put and passed.

7. State Administrative Tribunal Amendment Regulations 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Shelley Eaton on behalf of Hon Kim Chance moved,
without notice -

That Order of the Day No. 9, *State Administrative Tribunal Amendment Regulations 2008 -
Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

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

The Leader of the House moved, without notice -

That Motion No. 20, *Select Committee into the Police Raid on The Sunday Times*, be made an Order of the Day for the next day's sitting.

Question - put and passed.

9. Native Forests

Motion No. 1 having been called, Hon Paul Llewellyn continued his introductory remarks in moving the following motion on behalf of Hon Giz Watson -

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.

10. Questions Without Notice

Questions without notice were taken.

The Minister for Environment tabled a letter dated 5 December 2008 from the Minister for Environment to the Member for Vasse, regarding the Smiths Beach development, in response to a question without notice asked by Hon Adele Farina. (Tabled paper 718).

11. Native Forests

Debate resumed on the motion of Hon Paul Llewellyn (cf item 9 above).

Interruption of Debate [SO 195].

12. Order of Business

Ordered - That Bills for Introduction be taken forthwith. (Leader of the House).

13. Statutes (Repeals and Minor Amendments) Bill 2009

The Minister for Transport, pursuant to notice, moved -

That a Bill for "An Act to amend the statute law by —

- Repealing various written laws; and
- Making minor amendments to various other written laws, and for related purposes."

be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Transport moved, That the Bill be now read a second time.

Debate stands adjourned.

The Minister for Transport moved, without notice -

That the *Statutes (Repeals and Minor Amendments) Bill 2009* be discharged and referred to the Standing Committee on Uniform Legislation and Statutes Review for consideration and report.

Question - put and passed.

14. Child Exploitation Material and Classification Legislation Amendment Bill 2009

The Minister for Transport, pursuant to notice, moved -

That a Bill for “An Act to amend *The Criminal Code* in relation to child exploitation material offences, to make consequential and other amendments to the *Classification (Publications, Films and Computer Games) Enforcement Act 1996* and for related purposes.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Transport moved, without notice -

That the Standing Committee on Uniform Legislation and Statutes Review, to which the *Child Exploitation Material and Classification Legislation Amendment Bill 2009* is to stand referred, report not later than Wednesday, 3 June 2009.

Question - put and passed.

The Minister for Transport moved, That the Bill be now read a second time.

Debate stands adjourned and the Bill referred to the Standing Committee on Uniform Legislation and Statutes Review.

15. Order of Business

Ordered - That Orders of the Day Nos 1, *City of Armadale - Signs Amendment Local Law 2008 - Disallowance*, 2, *Waste Avoidance and Resource Recovery Regulations 2008 - Disallowance*, 3, *Waste Avoidance and Resource Recovery Levy Regulations 2008 - Disallowance*, 5, *Genetically Modified Crops Free Areas Exemption Order 2009 - Disallowance*, 6, *Children's Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, 7, *District Court (Fees) Amendment Regulations 2008 - Disallowance*, 8, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, 10, *Supreme Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, 12, *Industrial Training Legislation Amendment Regulations 2008 - Disallowance*, 14, *State Administrative Tribunal Amendment Rules (No. 2) 2008 - Disallowance*, 16, *Town of Cambridge - Parking Amendment Local Law 2008 - Disallowance*, 17, *Perth Market Amendment By-Laws 2008 - Disallowance*, and 19, *Poisons Amendment Regulations (No. 2) 2008 - Disallowance*, be taken after Order of the Day No. 23, *National Gas Access (WA) Bill 2008*. (Leader of the House).

16. Electricity Networks Access Code Amendments (No. 2) 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Shelley Eaton on behalf of Hon Kim Chance moved, without notice -

That Order of the Day No. 4, *Electricity Networks Access Code Amendments (No. 2) 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

17. Shire of Meekatharra - Dogs Local Law 2007 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Shelley Eaton on behalf of Hon Kim Chance moved, without notice -

That Order of the Day No. 11, *Shire of Meekatharra - Dogs Local Law 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

18. Port Authorities Amendment Regulations 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Shelley Eaton on behalf of Hon Kim Chance moved, without notice -

That Order of the Day No. 13, *Port Authorities Amendment Regulations 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

19. Shire of Dowerin - Fencing Local Law 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Shelley Eaton on behalf of Hon Kim Chance moved, without notice -

That Order of the Day No. 15, *Shire of Dowerin - Fencing Local Law 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

20. W.A. Marine (Surveys and Certificates of Survey) Amendment Regulations (No. 2) 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Shelley Eaton on behalf of Hon Kim Chance moved, without notice -

That Order of the Day No. 18, *W.A. Marine (Surveys and Certificates of Survey) Amendment Regulations (No. 2) 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

21. Radiation Safety (General) Amendment Regulations 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Shelley Eaton on behalf of Hon Kim Chance moved, without notice -

That Order of the Day No. 20, *Radiation Safety (General) Amendment Regulations 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

22. Port Authorities Amendment Regulations (No. 2) 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Shelley Eaton on behalf of Hon Kim Chance moved, without notice -

That Order of the Day No. 21, *Port Authorities Amendment Regulations (No. 2) 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

23. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the amendment of Hon Sue Ellery as follows -

But regrets to inform Your Excellency that the Government has failed to adequately address a number of serious issues affecting Western Australia.

Amendment - put and negatived.

Debate resumed.

On the motion of Hon Bruce Donaldson the debate was adjourned to the next sitting.

24. Acts Amendment (Bankruptcy) Bill 2009

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.

Leave was granted to proceed forthwith to the third reading of the Bill.

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

Question - put and passed.

Bill read a third time and passed.

25. Fines, Penalties and Infringement Notices Enforcement Amendment (Compensation) 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.

The Deputy President left the Chair.

In Committee

(Hon Barry House in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy 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.

Question - put and passed.

Bill read a third time and passed.

26. Sentence Administration (Interstate Transfer of Community Based Sentences) Bill 2009

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.

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1 agreed to.

Clauses 2 to 19 agreed to.

Clause 20.

Debate ensued.

Interruption of Debate [SO 61(c)].

The Deputy President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

27. Adjournment

The Minister for Transport moved, That the House do now adjourn.

Debate ensued.

Question - put and passed.

The House adjourned at 10.32pm until Thursday, 7 May 2009 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Shelley Archer, Hon Carolyn Burton, Hon Kim Chance, Hon Wendy Duncan, Hon Sue Ellery, Hon Batong Pham and Hon Ken Travers.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council