

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 53

WEDNESDAY, 23 SEPTEMBER 2009

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**1. Meeting of Council**

The Council assembled at 4.00pm pursuant to order.

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

**2. Ministerial Statement - Mineral and Petroleum Exploration Activity**

The Minister for Mines and Petroleum made a Ministerial Statement with respect to Australian Bureau of Statistics figures related to mineral and petroleum exploration spending.

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

**3. Ministerial Statement - Metropolitan Region Scheme Amendment No. 1162/41 - Claremont North East Precinct**

The Minister for Child Protection on behalf of the Minister for Planning made a Ministerial Statement with respect to Metropolitan Region Scheme Amendment No. 1162/41 - Claremont North East Precinct.

The Minister for Child Protection on behalf of the Minister for Planning tabled Metropolitan Region Scheme Amendment No. 1162/41 - Claremont North East Precinct. (Tabled paper 1241).

The Minister for Child Protection on behalf of the Minister for Planning tabled Metropolitan Region Scheme Amendment No. 1162/41 - Claremont North East Precinct, Report on Submissions. (Tabled paper 1226A-D).

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

**4. Papers**

The following Papers were laid on the Table by -

**Leader of the House**

*Annual Reports -*

Gaming and Wagering Commission (2008-2009) (Date received 22/09/2009)..... 1210

Liquor Commission (2008-2009) (Date received 22/09/2009) ..... 1211

Minerals and Energy Research Institute of Western Australia [MERIWA] (2008-2009) (Date received 22/09/2009)..... 1212

|   |      |
|---|------|
| Racing, Gaming and Liquor, Department of (2008-2009) (Date received 22/09/2009) ..... | 1213 |
| Racing Penalties Appeal Tribunal (2008-2009) (Date received 22/09/2009) .....         | 1214 |
| Sport and Recreation, Department of (2008-2009) (Date received 22/09/2009) .....      | 1215 |
| Venues West (2008-2009) (Date received 22/09/2009) .....                              | 1216 |

### **Minister for Transport**

#### *Annual Reports -*

|   |      |
|---|------|
| Animal Resources Authority (2008-2009) (Date received 22/09/2009) .....                 | 1217 |
| Council of the Pharmaceutical Society, The (2008-2009) (Date received 22/09/2009) ..... | 1218 |
| Disability Services Commission (2008-2009) (Date received 22/09/2009) .....             | 1219 |
| Health Promotion Foundation [HEALTHWAY] (2008-2009) (Date received 22/09/2009) .....    | 1220 |
| Health Review, Office of (2008-2009) (Date received 22/09/2009) .....                   | 1221 |

### **Minister for Child Protection**

#### *Annual Reports -*

|  |      |
|--|------|
| Agricultural Practices Board (2008-2009) (Date received 22/09/2009) .....        | 1222 |
| Agriculture and Food, Department of (2008-2009) (Date received 22/09/2009) ..... | 1223 |
| Agriculture Protection Board (2008-2009) (Date received 22/09/2009) .....        | 1224 |

#### *Ministerial Approvals -*

|   |      |
|---|------|
| Midland Redevelopment Act 1999 - Disposal of land of value in excess of \$1 million -<br>Lot 602 Yelverton Drive, Midland, Lakeshore Developments Ltd ATF<br>Yelverton Unit Trust ..... | 1225 |
|---|------|

### **Minister for Environment**

#### *Annual Reports -*

|  |      |
|--|------|
| Environment and Conservation, Department of (2008-2009) (Date received 22/09/2009) ..... | 1226 |
| Environmental Protection Authority (2008-2009) (Date received 22/09/2009) .....          | 1227 |
| Keep Australia Beautiful (2008-2009) (Date received 22/09/2009) .....                    | 1228 |
| Zoological Parks Authority (2008-2009) (Date received 22/09/2009) .....                  | 1229 |

### **Minister for Environment on behalf of the Parliamentary Secretary representing the Minister for Regional Development**

#### *Annual Reports -*

|   |      |
|---|------|
| Gascoyne Development Commission (2008-2009) (Date received 22/09/2009) .....            | 1230 |
| Goldfields-Esperance Development Commission (2008-2009) (Date received 22/09/2009) .... | 1231 |
| Great Southern Development Commission (2008-2009) (Date received 22/09/2009) .....      | 1232 |
| Kimberley Development Commission (2008-2009) (Date received 22/09/2009) .....           | 1233 |
| LandCorp (2008-2009) (Date received 22/09/2009) .....                                   | 1234 |
| Land Information Authority [Landgate] (2008-2009) (Date received 22/09/2009) .....      | 1235 |
| Mid West Development Commission (2008-2009) (Date received 22/09/2009) .....            | 1236 |
| Peel Development Commission (2008-2009) (Date received 22/09/2009) .....                | 1237 |
| South West Development Commission (2008-2009) (Date received 22/09/2009) .....          | 1238 |
| Wheatbelt Development Commission (2008-2009) (Date received 22/09/2009) .....           | 1239 |

**Parliamentary Secretary representing the Attorney General**

*Reviews -*

Australian Crime Commission (Western Australia) Act 2004 (August 2009)..... 1240

**5. Child Death Review Committee - Recommendations**

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

That this House notes the recommendations of the *Group Analysis of Aboriginal Child Death Review Cases in which Chronic Neglect is Present* report of the Child Death Review Committee and calls on the Minister for Child Protection to provide quarterly reports to the House on the implementation of those recommendations.

**6. Questions Without Notice**

Questions without notice were taken.

**7. Child Death Review Committee - Recommendations**

Debate resumed on the motion of Hon Sue Ellery (cf item 5 above).

*Interruption of Debate* [SO 195].

**8. Order of Business**

Ordered - That Orders of the Day Nos 1, *City of Stirling Local Government Property Local Law 2009 - Disallowance*, and 2, *City of Albany Keeping and Welfare of Cats Local Law 2008 - Disallowance*, be taken after Order of the Day No. 6, *Statutes (Repeals and Minor Amendments) Bill 2009*. (Leader of the House).

**9. First Home Owner Grant Amendment Bill 2009**

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

The Parliamentary Secretary representing the Minister for Housing and Works moved, That the Bill be now read a third time.

The Deputy President having reported that the Deputy 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.

**10. Road Traffic Amendment (Hoons) Bill 2009**

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

The Minister for Energy representing the Minister for Police moved, That the Bill be now read a third time.

The Deputy President having reported that the Deputy 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.

# **11. Racing and Wagering Western Australia - Joint Standing Committee Review**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 51

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution –

- (1) That, pursuant to section 122 of the *Racing and Wagering Western Australia Act 2003*, and also taking into consideration the *Racing and Wagering Western Australia Tax Act 2003* (“the Acts”), a Joint Standing Committee be appointed by the Legislative Assembly and the Legislative Council.
- (2) The Joint Standing Committee will review the operation and effectiveness of the Acts and is to consider and have regard to –
  - (a) the effectiveness of the operations of Racing and Wagering Western Australia (RWWA);
  - (b) the need for the continuation of the operations of RWWA; and
  - (c) any other matters that appear to the Joint Standing Committee to be relevant to the operation and effectiveness of these Acts.
- (3) The Joint Standing Committee will consist of 4 members appointed by the Legislative Assembly and 2 members appointed by the Legislative Council.
- (4) The Standing Orders of the Legislative Assembly relating to standing and select committees will be followed as far as they can be applied.
- (5) The Committee shall report by 30 June 2010.

and requests the Legislative Council to agree to a similar resolution.

Ms L.L. Baker

Acting Speaker

Legislative Assembly Chamber

Perth, 23 September 2009

Ordered - That consideration of Message No. 51 be made an Order of the Day for a later stage of this day’s sitting.

# **12. Criminal Code Amendment (Graffiti) Bill 2009**

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

Debate resumed.

*Statement by Deputy President*

The Deputy President made the following Statement -

Before we break for dinner, I am informed that a Member wished to address the House on the *Road Traffic Amendment (Hoons) Bill 2009* during the course of the third reading debate and I did not notice the Member rise in order to speak. I understand that the Clerk of the Legislative Council also did not notice the Member rise to speak. I regret that it has happened, but the President has reminded Members on numerous occasions that the etiquette is to rise and call for the attention of the Chair to avoid precisely that sort of problem. I regret that it happened but it is done now. I thought I would mention that. Otherwise, noting the time, I rise until the ringing of the bells.

On the motion of the Leader of the House the debate was adjourned to a later stage of this day’s sitting.

### **13. Order of Business**

Ordered - That Legislative Assembly Message No. 51, *Racing and Wagering Western Australia - Joint Standing Committee Review*, be taken forthwith (Leader of the House).

### **14. Racing and Wagering Western Australia - Joint Standing Committee Review**

The Order of the Day having been read for the consideration of Message No. 51 from the Legislative Assembly.

The Leader of the House moved, without notice -

That the Legislative Council acquaints the Legislative Assembly in reply to Message No. 51 from the Legislative Assembly, that it concurs in the resolution that a Committee of members of both Houses be appointed, provided that the committee consist of three members of each House.

If the Legislative Assembly agrees to the foregoing provision, the Legislative Council will be represented by Hon Max Trenorden, Hon Matt Benson-Lidholm and Hon Alyssa Hayden.

Debate ensued.

Question - put and passed.

### **15. Order of Business**

Ordered - That Order of the Day No. 5, *Criminal Code Amendment (Graffiti) Bill 2009*, be taken forthwith. (Leader of the House).

### **16. Criminal Code Amendment (Graffiti) Bill 2009**

Debate resumed on the second reading of this Bill (cf item 12 above).

On the motion of Hon Jon Ford the debate was adjourned to the next sitting.

### **17. Equal Opportunity Amendment Bill 2009**

The President reported the receipt of Message No. 48 from the Legislative Assembly forwarding the Bill for concurrence.

Hon Sue Ellery moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

Hon Sue Ellery moved, That the Bill be now read a second time.

Debate stands adjourned.

### **18. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.46pm until Thursday, 24 September 2009 at 11.00am.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Ken Baston, Hon Robin Chapple, Hon Wendy Duncan and Hon Adele Farina.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council