

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 210

TUESDAY, 17 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. Message from the Lieutenant Governor and deputy of the Governor - Assent to Bills

The President reported the receipt of a Message from the Lieutenant Governor and deputy of the Governor assenting to the following Bills -

13 June 2008 - Message No. 22	Act No.
Minerals and Energy Research Amendment Bill 2006	23 of 2008
Road Traffic Amendment Bill 2008	24 of 2008

3. Petitions

Hon Giz Watson presented a petition, by delivery to the Clerk, [SO 130], from 48 petitioners requesting the Legislative Council oppose redevelopment at Emu Point, Albany. (Tabled paper 4071).

Hon Simon O'Brien presented a petition from 212 petitioners requesting the Legislative Council oppose the Subiaco China Green Site development. (Tabled paper 4072).

Hon Giz Watson presented a petition from 216 petitioners requesting the Legislative Council support the extension and consolidation of the Yalgorup National Park through the acquisition of private enclaves so that the Park is compact, manageable and viable for the long term. (Tabled paper 4073).

4. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers -

Performance Examination - Lost in Transition: State Services for Humanitarian Entrants (Report No. 3) (Deemed tabled 11/06/2008)..... 4067

Reports -

Inspector of Custodial Services - Report of an Announced Follow-up Inspection of Roebourne Regional Prison (Report No. 52) (April 2008) (Date received 14/04/2008)..... 4068

**Parliamentary Secretary representing the Minister for the Environment on behalf of the
Parliamentary Secretary representing the Minister for Planning and Infrastructure**

Leases -

CALM Lease No. 2238/97 - Between CALM and Nippon Paper Treefarm Australia Pty Ltd, Mitsui Plantation Development (Australia) Pty Ltd and MCA Afforestation Pty Ltd..... 4069

Ministerial Approvals -

East Perth Redevelopment Act 1991 - Sale of land with value in excess of \$1 million - Lot 561 Newcastle Street, Northbridge..... 4070

5. Industrial Relations Amendment Bill 2008

The Minister for Employment Protection: To move on the next day of sitting -

That a Bill for “An Act to amend the *Industrial Relations Act 1979* and to make consequential amendments to various Acts” be introduced and read a first time.

6. Order of Business

Ordered - That Orders of the Day Nos 609, *City of Nedlands - Signs Local Law 2007 - Disallowance*, 616, *City of Fremantle - Local Law Relating to Outdoor Eating Areas Amendment Local Law 2007 - Disallowance* and 631, *Prisons Amendment Regulations 2008 - Disallowance*, be taken after Order of the Day No. 532, *Nuclear Facilities Prohibition Bill 2007*. (Leader of the House).

7. 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.

8. Questions Without Notice

Questions without notice were taken.

The Minister for Employment Protection representing the Minister for Police and Emergency Services tabled, and by leave incorporated into Hansard, an answer in relation to Government funding of the Metropolitan Volunteer Sea Rescue Group, in response to a question without notice asked by Hon George Cash. (Tabled paper 4074).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled, and by leave incorporated into Hansard, an answer in relation to the purchase price of blocks of land in the Januburu Estate purchased by the Department of Housing and Works, in response to a question without notice asked by Hon Ken Baston. (Tabled paper 4075).

The Minister for Employment Protection representing the Minister for Police and Emergency Services tabled, and by leave incorporated into Hansard, corrected answers in relation to the Fire and Emergency Services Authority (FESA) and the location of unexploded ordnances (UXOs), in response to a question without notice asked by Hon Helen Morton. (Tabled paper 4076).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled an answer in relation to details of the Department of Planning and Infrastructure internal audits via an outside body for the years 30 June 2002 to 30 June 2007 inclusive, in response to question on notice No. 6276 asked by Hon Ray Halligan. (Tabled paper 4077).

9. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2008-2009

Debate resumed on the motion, That the Consolidated Fund Estimates 2008-2009 be noted (cf item 7 above).

Hon Paul Llewellyn, by leave, tabled a document titled "Rising Natural Gas Prices and Electricity in Western Australia". (Tabled paper 4078).

Debate resumed.

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

10. Pay-roll Tax Assessment Amendment Bill 2008

The Deputy President reported the receipt of Message No. 326 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Treasurer moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

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

The Parliamentary Secretary representing the Treasurer tabled the explanatory memorandum. (Tabled paper 4079).

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

11. Revenue Laws Amendment Bill 2008

The Deputy President reported the receipt of Message No. 327 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Treasurer moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

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

The Parliamentary Secretary representing the Treasurer tabled the explanatory memorandum. (Tabled paper 4080).

Debate stands adjourned.

12. Revenue Laws Amendment Bill (No. 2) 2008

The Deputy President reported the receipt of Message No. 328 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Treasurer moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

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

The Parliamentary Secretary representing the Treasurer tabled the explanatory memorandum. (Tabled paper 4081).

Debate stands adjourned.

13. Nickel Refinery (BHP Billiton Nickel West Pty Ltd) (Termination of Agreements) Agreement Bill 2008

The Deputy President reported the receipt of Message No. 329 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Resources moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House representing the Minister for Resources moved, That the Bill be now read a second time.

The Leader of the House representing the Minister for Resources tabled the explanatory memorandum. (Tabled paper 4082).

Debate stands adjourned.

14. Food Bill 2005

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 330

The Legislative Assembly acquaints the Legislative Council that it has considered the amendments made by the Legislative Council in the *Food Bill 2005*, has agreed to Amendments Nos 1 to 9, 11, 12 and 14, and has disagreed to Amendments Nos 10 and 13.

Mr M.J. Cowper

Acting Speaker

Legislative Assembly Chamber

Perth, 12 June 2008

Ordered - That consideration, in Committee, of Message No. 330 be made an Order of the Day for the next sitting.

15. Community Protection (Offender Reporting) Amendment Bill 2007

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 331

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendment made by the Legislative Council in the *Community Protection (Offender Reporting) Amendment Bill 2007*.

Mr M.J. Cowper

Acting Speaker

Legislative Assembly Chamber

Perth, 12 June 2008

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

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 332

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Acts Amendment (Consent to Medical Treatment) Bill 2006*.

Mr M.J. Cowper

Acting Speaker

Legislative Assembly Chamber

Perth, 12 June 2008

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

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 333

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendment made by the Legislative Council in the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Bill 2007*.

Mr M.J. Cowper

Acting Speaker

Legislative Assembly Chamber

Perth, 12 June 2008

18. Appropriation (Consolidated Account) Bill (No. 1) 2008

The Deputy President reported the receipt of Message No. 334 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Treasurer moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

19. Appropriation (Consolidated Account) Bill (No. 2) 2008

The Deputy President reported the receipt of Message No. 335 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Treasurer moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

20. Order of Business

Ordered - That Order of the Day No. 469, *Eastern Goldfields Transport Board Repeal Bill 2007*, be taken before Order of the Day No. 626, *Criminal Law Amendment (Homicide) Bill 2008*. (Leader of the House).

21. Eastern Goldfields Transport Board Repeal Bill 2007

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.

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

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

Question - put and passed.

Bill read a third time and passed.

22. Criminal Law Amendment (Homicide) Bill 2008

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.

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

23. Suspension of Temporary Orders

The Leader of the House moved, without notice -

That so much of Temporary Orders be suspended to enable the House to sit beyond 10.25pm to consider Orders of the Day.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

24. Order of Business

Ordered - That Order of the Day No. 626, *Criminal Law Amendment (Homicide) Bill 2008*, be taken forthwith. (Leader of the House).

25. Criminal Law Amendment (Homicide) Bill 2008

The Order of the Day for the consideration of this Bill, in Committee, having been read.

The Acting President left the Chair.

In Committee

(Hon Ken Travers in the Chair)

Clauses 1 to 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clause 6.

Hon Simon O'Brien moved -

Page 6, after line 18 — To insert —

“

- (3) This protection does not extend to an act or omission which would constitute an offence punishable by life imprisonment, or an offence of which grievous bodily harm to the person of another, or an intention to cause such harm, is an element.

”.

Debate ensued.

Amendment - put and negatived.

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

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9 agreed to.

Clause 10.

Hon Simon O'Brien moved -

Page 9, lines 26 to 29 — To delete the lines and insert instead —

“

- (b) the person intends to do the person killed or another person some grievous bodily harm; or

”.

Debate ensued.

Amendment - put and negatived.

Hon Simon O'Brien moved -

Page 10, lines 11 to 20 — To delete the lines.

Debate ensued.

The Minister for Child Protection moved, That progress be reported and leave asked to sit again.

Question - put and passed.

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.

26. Adjournment

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

Question - put and passed.

The House adjourned at 10.23pm until Wednesday, 18 June 2008 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Matt Benson-Lidholm, Hon Wendy Duncan, Hon Nigel Hallett and Hon Sheila Mills.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council