

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 184

TUESDAY, 26 FEBRUARY 2008

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### 1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

The President, Hon Nick Griffiths, took the Chair and read prayers.

### 2. Petitions

Hon Sally Talbot presented a petition from 708 residents of Western Australia requesting the Legislative Council support that Dalyellup Beach Estate bushland be dedicated primarily to conservation. (Tabled paper 3694).

Hon Giz Watson presented a petition from 75 residents of Western Australia requesting the Legislative Council oppose establishment of Woodside LNG land based Pluto Development on Site A and B on the Burrup Peninsula - Dampier Archipelago. (Tabled paper 3695).

Hon Giz Watson presented a petition, by delivery to the Clerk [SO 130], from 20 residents of Western Australia requesting the Legislative Council investigate and recommend short and long term strategies to prevent cane toads becoming established in Western Australia. (Tabled paper 3696).

Hon Giz Watson presented a petition, by delivery to the Clerk [SO 130], from 20 residents of Western Australia requesting the Legislative Council investigate and recommend short and long term strategies to prevent cane toads becoming established in Western Australia. (Tabled paper 3697).

### 3. Papers

The following Papers were laid on the Table by -

#### **Minister for Child Protection**

##### *Annual Reports -*

Medical Board 2006-2007 (Date received 25/02/2008)..... 3691

Medical Board 2005-2006 (with replacement financial statements) (Date received  
21/02/2008)..... 3692

#### **Parliamentary Secretary representing the Minister for Planning and Infrastructure**

##### *Directions -*

Planning and Development Act 2005 (WA) - Ministerial Direction between Midwest  
Corporation Limited and the Shire of Morawa, Application DR 429 of 2007..... 3693

#### **4. Rights in Water and Irrigation Amendment Regulations (No. 3) 2007 - Disallowance**

Hon Barry House: To move on the next day of sitting -

That the *Rights in Water and Irrigation Amendment Regulations (No. 3) 2007* published in the *Gazette* on 28 December 2007 and tabled in the Legislative Council on 21 February 2008 under the *Rights in Water and Irrigations Act 1914*, be and are hereby disallowed.

#### **5. Office of Shared Services**

Hon Ray Halligan: To move on the next day of sitting -

That this House demands the Government immediately -

- (1) Reveal the current position of the Office of Shared Services in relation to its stated objectives to -
  - (a) reduce costs;
  - (b) standardise systems;
  - (c) simplify business procedures; and
  - (d) integrate services.
- (2) Justify the massive over expenditure of taxpayer's money on this project.
- (3) Explain how the Government, through incompetence and/or mismanagement, has again squandered taxpayer's resources.
- (4) Convince the people of Western Australia that to forego services they deserve in the areas of health, education and law and order is in their best interests.

#### **6. Hon Wendy Duncan - Inaugural Speech**

The Leader of the House moved, without notice -

That the following motion be moved at a later stage of this day's sitting -

That this House acknowledge the new Member for the Agricultural Region, Hon Wendy Duncan.

Question - put and passed.

#### **7. Matter of Urgency - Suicides in the Kimberley Region - State Coroner's Report**

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 lack of Ministerial accountability exposed by Coroner Alastair Hope in the Record of Investigation into Death by Suicide of 22 people in the Kimberley region of Western Australia.

Yours sincerely

Hon Robyn McSweeney  
Member for South West Region

Four members having risen in support.

Hon Robyn McSweeney moved the motion.

Debate ensued.

The Leader of the House, by leave, tabled a fact sheet to demonstrate the Carpenter Government's support to indigenous communities in the North-West. (Tabled paper 3698).

Motion lapsed.

## 8. Order of Business

Ordered - That Order of the Day No. 544, *West Coast Demersal Scalefish (Interim) Management Plan 2007 - Disallowance*, be taken at a later stage of this day's sitting. (Leader of the House).

Ordered - That Order of the Day No. 547, *Prohibition on Commercial Fishing (Metropolitan Waters) Order 2007 - Disallowance*, be taken after Order of the Day No. 469, *Eastern Goldfields Transport Board Repeal Bill 2007*. (Leader of the House).

## 9. Acts Amendment (Justice) Bill 2007

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Minister for Child Protection moved -

That the Bill be recommitted for the purpose of considering a further amendment to Clause 71.

Question - put and passed.

The President left the Chair.

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### In Committee

(Hon George Cash in the Chair)

#### *Recommittal of Clause 71.*

The Minister for Child Protection moved -

Page 39, line 10 - To delete the word "If".

Amendment - put and passed.

Clause, as amended, agreed to.

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The President resumed the Chair.

Bill reported with further amendment.

Leave was granted to consider the Committee's report forthwith.

The Minister for Child Protection moved, That the report be adopted.

Question - put and passed.

Ordered - That the third reading of the Bill be made an Order of the Day for the next sitting.

## 10. Bail Amendment Bill 2007

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

The President left the Chair.

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### In Committee

(Hon George Cash in the Chair)

Clause 1 agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Hon Giz Watson moved -

Page 5, line 31 — To insert after "addressee" —

“ for the purpose of being served with the notice ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

# **11. Questions Without Notice**

Questions without notice were taken.

The Minister for Employment Protection tabled, and by leave incorporated into Hansard, an answer in relation to levels and salaries for each person working in the pay Equity Unit, in response to a question without notice asked by Hon Helen Morton. (Tabled paper 3699).

The Minister for Local Government on behalf of the Leader of the House, by leave, incorporated into Hansard, an answer in relation to iron ore companies, in response to a question without notice asked by Hon Norman Moore.

The Minister for Local Government, by leave, incorporated into Hansard, an answer in relation to Department of Treasury and Finance staff, in response to a question without notice asked by Hon Ray Halligan.

The Minister for Local Government representing Minister for Education and Training tabled a correction to an answer, in response to question on notice No. 5643 asked by Hon Ray Halligan. (Tabled paper 3700).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure, by leave, incorporated into Hansard, an answer, in relation to the Geraldton Port Authority and its Contracted Service Level Obligation, in response to a question without notice asked by Hon Brian Ellis.

# **12. Bail Amendment Bill 2007**

The President left the Chair.

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## **In Committee**

(Hon George Cash in the Chair)

Clauses 6 to 8 agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clauses 10 to 13 agreed to.

Clause 14 agreed to.

Clause 15.

Debate ensued.

Clause agreed to.

Clause 16.

Debate ensued.

The Leader of the House moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and passed.

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The Acting 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 at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

**13. Order of Business**

Ordered - That the Motion, *That this House acknowledge the new Member for the Agricultural Region, Hon Wendy Duncan*, be taken forthwith. (Leader of the House).

**14. Hon Wendy Duncan - Inaugural Speech**

The Leader of the House, pursuant to notice, moved -

That this House acknowledge the new Member for the Agricultural Region, Hon Wendy Duncan.

Hon Wendy Duncan gave her inaugural speech.

Question - put and passed.

**15. Bail Amendment Bill 2007**

The Acting President left the Chair.

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**In Committee**

(Hon Ray Halligan in the Chair)

Clause 16.

Debate resumed.

Clause agreed to.

Clause 17.

Debate ensued.

Clause agreed to.

Clause 18.

Debate ensued.

Clause agreed to.

Clauses 19 to 39 agreed to.

Clause 40.

Debate ensued.

Clause agreed to.

Clause 41.

Hon Giz Watson moved -

Page 53, line 25 — To delete “exceptional” and insert instead —

“ strong ”.

Debate ensued.

Hon Giz Watson, by leave, withdrew her amendment.

Clause agreed to.

Clause 42.

Debate ensued.

Clause agreed to.

Clauses 43 to 46 agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported with amendment.

Ordered - That consideration of the Committee's Report be made an Order of the Day for the next sitting.

#### **16. Leave of Absence - Hon Barbara Scott**

Hon Bruce Donaldson moved, by leave and without notice -

That leave of absence be granted to Hon Barbara Scott for 6 sitting days due to ill health.

Question - put and passed.

#### **17. Order of Business**

Ordered - That Order of the Day No. 544, *Prohibition on Commercial Fishing (Metropolitan Waters) Order 2007 - Disallowance*, be taken forthwith. (Leader of the House).

#### **18. West Coast Demersal Scalefish (Interim) Management Plan 2007 - Disallowance**

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Bruce Donaldson -

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).

Debate ensued.

*Interruption of Debate* [SO 61(b)].

#### **19. Fines Legislation Amendment Bill 2006**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 288

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Fines Legislation Amendment Bill 2006*.

Mrs J. Hughes

Acting Speaker

Legislative Assembly Chamber

Perth, 26 February 2008

#### **20. Criminal Law and Evidence Amendment Bill 2006**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 289

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Criminal Law and Evidence Amendment Bill 2006*.

Mrs J. Hughes

Acting Speaker

Legislative Assembly Chamber

Perth, 26 February 2008

**21. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.17pm until Wednesday, 27 February 2008 at 4.00pm.

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

Attendance: Present all Members except Hon Batong Pham.

Member granted leave: Hon Barbara Scott.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON NICK GRIFFITHS**  
President of the Legislative Council