

LEGISLATIVE COUNCIL  
THURSDAY, 13 MARCH 2008

11.00am

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Prayers

**11.00AM - ORDER OF BUSINESS**

Notification of Royal Assent - Message No. 6

Petitions

Statements by Ministers and Parliamentary Secretaries

Papers for Tabling

(Leader of the House)

(Minister for Local Government)

(Minister for Employment Protection)

(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

(Hon Bruce Donaldson)

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

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## MOTIONS

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**63. Health, Education and Law and Order - Crises** (*Notice given 27 September 2007*)

Continuation of introductory remarks Hon Ray Halligan (Wednesday, 12 March 2008) in moving the following motion -

That this House condemns the Government for refusing to acknowledge that over its terms in office it has contributed to the crises continuing to plague our communities in the areas of health, education and law and order.

**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.

**62. Alcoa - Supplementary Property Purchase Plan** (*Notice given 19 June 2007*)

Hon Robyn McSweeney: To move -

That given the serious concern expressed by landholders regarding the compensation processes related to the current Alcoa expansion, the Standing Committee on Environment and Public Affairs be required to conduct an inquiry into the fairness and just terms of the *Supplementary Property Purchase Program* (SPPP) and to report back by 14 August 2007.

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## CONSIDERATION OF COMMITTEE REPORTS

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**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*)

Continuation of introductory remarks Hon Ray Halligan (Thursday, 28 February 2008) on the motion that the report be noted. *See Tabled paper No. 2788.*

The business listed for today's sitting and sequence in which it is to be considered may be altered by the House without notice. Members and other persons are advised to check the status of an item in which they have an interest in the course of today's sitting. Electronic version available on the Parliament's Internet site at [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au).

- 435. Joint Standing Committee on the Corruption and Crime Commission - Report No. 26 - Inquiry into the Future Operation of Witness Protection Programmes in Western Australia - Committee Report** (*Tabled 19 June 2007*)

Consideration. *See Tabled paper No. 2800.*

- 441. Standing Committee on Uniform Legislation and Statutes Review - Report No. 19 - Administrative Practices and Procedures and Parliamentary Processes Involving Treaties Entered Into, or Proposed to be Entered Into, By the Commonwealth - Committee Report** (*Tabled 20 June 2007*)

Consideration. *See Tabled paper No. 2821.*

- 444. Joint Standing Committee on the Corruption and Crime Commission - Report No. 27 - Hearing with the Parliamentary Inspector of the Corruption and Crime Commission on 9 May 2007 - Committee Report** (*Tabled 26 June 2007*)

Consideration. *See Tabled paper No. 2840.*

- 451. Joint Standing Committee on the Corruption and Crime Commission - Report No. 28 - Parliamentary Inspectors Investigation and Review of the Acts and Proceedings of the Corruption and Crime Commission Concerning Mr John D'Orazio - Committee Report** (*Tabled 14 August 2007*)

Consideration. *See Tabled paper No. 2948.*

- 452. Joint Standing Committee on the Corruption and Crime Commission - Report No. 29 - Legislative and Procedural Matters Arising from the Parliamentary Inspectors Investigation and Review of the Acts and Proceedings of the Corruption and Crime Commission Concerning Mr John D'Orazio - Committee Report** (*Tabled 14 August 2007*)

Consideration. *See Tabled paper No. 2949.*

- 454. Standing Committee on Estimates and Financial Operations - Special Report - On a Matter Arising from the 2006/07 Budget Estimates Hearings in Relation to the Western Australian Sports Centre Trust - Committee Report** (*Tabled 14 August 2007*)

Consideration. *See Tabled paper No. 2950.*

- 459. Standing Committee on Estimates and Financial Operations - Report No. 8 - Budget Estimates 2006/07 - Committee Report** (*Tabled 16 August 2007*)

Consideration. *See Tabled paper No. 3013.*

- 468. Select Committee into Public Obstetric Services - Committee Report** (*Tabled 31 August 2007*)

Consideration. *See Tabled paper No. 3087.*

- 481. Joint Standing Committee on the Corruption and Crime Commission - Report No. 30 - Annual Report 2006-2007 - Committee Report** (*Tabled 20 September 2007*)

Consideration. *See Tabled paper No. 3161.*

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## ORDERS OF THE DAY

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

Moved *pro forma* (SO 152(b)) Tuesday, 11 March 2008 on the motion of Hon Barry House (Days remaining 8 after today)

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. (Tabled paper 3658).

**571. Shire of Harvey Local Law Relating to Signs and Other Advertising Devices 2007 - Disallowance**

Moved *pro forma* (SO 152(b)) Thursday, 13 March 2008 on the motion of Hon Ray Halligan (Days remaining 10 after today)

That the *Shire of Harvey Local Law Relating to Signs and Other Advertising Devices 2007* published in the *Gazette* on 9 November 2007 and tabled in the Legislative Council on 20 November 2007 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 3491).

**530. Prostitution Amendment Bill 2007 [LA 226-2] Minister for Child Protection representing the Attorney General**

Second reading adjourned Leader of the House (Wednesday, 12 March 2008).

**477. Parental Support and Responsibility Bill 2005 [LA 041-1] (18 September 2007)**

Resumption of debate adjourned in Committee of the Whole (Tuesday, 11 March 2008), on Amendment No. 21 of the motion of Minister for Child Protection as follows -

That the Legislative Council not insist on its amendments Nos. 6 to 8, 10 to 12, 18, 19, 24 to 36, 40 to 45, 49 and 50; agrees to the amendments proposed by the Legislative Assembly in substitution for the Legislative Council Amendments Nos. 15, 17, 20 and 22; agrees to the further amendment to Amendment No. 48; does not insist on Amendment Nos 4, 14, 16, 23 and 39 but substitutes the following alternatives; and agrees to the Legislative Assembly substituted Amendment No. 21 subject to a further amendment.

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**Amendment No. 21**

Agrees to the Legislative Assembly's substituted amendment and makes a further amendment:

Clause 18, page 14, after line 28 — To insert —

- “
- (b) if relevant — the income of the child's family, the extent to which that income is derived from income support and any restrictions on the use, or reduction or suspension, of that income under a law of the State or the Commonwealth;
- ”.

**Amendment No. 23**

New amendments as alternatives to Amendment 23:

Clause 20, page 16, line 8 — To delete “\$2 000” and insert instead —

“ \$200 ”.

Clause 20, page 16, lines 12 to 14 — To delete the lines and insert instead —

- “
- (3) The CEO cannot give approval under subsection (2) unless the CEO —
    - (a) is satisfied that all reasonable efforts to assist and encourage the parent to comply with the order have failed; and
    - (b) has taken into account the income of the child's family, the extent to which that income is derived from income support and any restrictions on the use, or reduction or suspension, of that income under a law of the State or the Commonwealth.
- ”.

**Amendment No. 39**

New amendment as an alternative to Amendment 39:

Clause 35, page 23, after line 27 — To insert —

- “
- (5) The warrant of execution may not be executed so as to seize or sell any property unless the Sheriff is satisfied that —
    - (a) the property is wholly owned by the person in respect of whom the warrant is issued; and
    - (b) it would not be detrimental to the welfare of a child of the person to seize or sell the property.
- ”.

to the Legislative Assembly Message No. 243 as follows -

Mr President.

The Legislative Assembly acquaints the Legislative Council that it has considered the amendments made by the Legislative Council in the *Parental Support and Responsibility Bill 2005*, has agreed to Amendments Nos 1 to 3, 5, 9, 13, 37, 38, 46 and 47; has disagreed to Amendments Nos 4, 6 to 8, 10 to 12, 14, 16, 18, 19, 23 to 36, 39 to 45, 49 and 50; has disagreed to Amendments Nos 15, 17 and 20 to 22 and substituted new amendments in their place, and has agreed to Amendment No. 48 subject to further amendments, as set forth in the Schedule annexed, in which the Legislative Assembly desires the Legislative Council's concurrence.

Judith Hughes

Acting Speaker

Legislative Assembly Chamber

Perth, 6 September 2007

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

Second reading adjourned Leader of the House (Tuesday, 11 March 2008). Leave granted continuation of remarks Hon Simon O'Brien - mins 43 (Tuesday, 11 March 2008).

**74. Terms of Reference - Standing Committee on Procedure and Privileges (Notice given 11 March 2008)**

Leader of the House: To move -

That the Terms of Reference referred to the Standing Committee on Procedure and Privileges on 20 February 2008 be amended as follows -

- (1) To insert after the word "determine" in paragraph 1(a) the following -

“

matters not addressed in the report of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations or information tabled in the House by the President prior to 4 December 2007 as to

”.

- (2) To insert after paragraph (2) the following -

“

- (3) The Standing Committee on Procedure and Privileges consider and report on whether Mr Grill has provided an “unreserved written apology” in accordance with the resolution of the House on 4 December 2007 and what further action may be taken by the House.

- (4) The Standing Committee on Procedure and Privileges consider and report on whether the letter from Mr Brian Burke dated 19 February 2008 and attachments -

- (a) constitutes a qualification of the purported “unreserved apology” provided in his letter of 11 December 2007 and therefore whether Mr Brian Burke has provided an “unreserved

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written apology” in accordance with the resolution of the House on 4 December 2007 and what further action may be taken by the House; and

- (b) constitutes a breach of Parliamentary Privilege.
- (5) The documents referred to in paragraph (2) are confined to all correspondence between Mr Brian Burke and the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations.

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

Second reading adjourned Minister for Local Government (Thursday, 28 February 2008).

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

Second reading continuation of remarks Hon Ed Dermer - mins 6 (Thursday, 6 December 2007). (Standing Order 230A no longer applies). *See Standing Committee on Uniform Legislation and Statutes Review Report No. 23 (Tabled 18 October 2007). cf SNP 194 Issue 1 - 4 December 2007.*

**\*273. Food Bill 2005 [LA 110-2] Minister for Child Protection**

Second reading adjourned (Thursday, 22 June 2006). (Standing Order 230A no longer applies). *See Standing Committee on Uniform Legislation and Statutes Review Report No. 14 (Tabled 27 September 2006).*

**\*534. Medical Practitioners Bill 2006 [LA 183-2] Minister for Child Protection representing the Minister for Health**

Second reading adjourned (Wednesday, 21 November 2007). (Standing Order 230A no longer applies). *See Standing Committee on Uniform Legislation and Statutes Review Report No. 25 (Tabled 19 February 2008). cf SNP 183 Issue 1 - 27 February 2008.*

**\*538. Legal Profession Bill 2007 [LA 245-1] Minister for Child Protection representing the Attorney General**

Second reading adjourned (Wednesday, 21 November 2007). (Standing Order 230A no longer applies). *See Standing Committee on Uniform Legislation and Statutes Review Report No. 26 (Tabled 19 February 2008). cf SNP 245 Issue 1 - 27 February 2008.*

**532. Nuclear Facilities Prohibition Bill 2007 [LA 212-1] Leader of the House representing the Minister for Energy**

Second reading adjourned (Thursday, 15 November 2007).

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

**MALCOLM PEACOCK**

Clerk of the Legislative Council