

WESTERN AUSTRALIA

## LEGISLATIVE COUNCIL

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### MINUTES OF PROCEEDINGS

No. 33

TUESDAY, 2 JUNE 2009

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#### 1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

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

#### 2. Message from His Excellency the Governor - Assent to Bills

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bills -

21 May 2009 - Message No. 53	Act No.
Electoral Amendment (Miscellaneous) Bill 2008	7 of 2009
Statutes (Repeals and Miscellaneous Amendments) Bill 2008	8 of 2009
Veterinary Surgeons Amendment Bill 2009	9 of 2009

#### 3. Statement by President - Television Footage and Chamber Refurbishment

The President made the following Statement -

I have received a request from Channel 9 seeking permission on behalf of all channels to record new file footage of Members in the Chamber. Following past practice, I intend to agree to this request subject to agreement by all Members. If I do not hear anything from Members by the time we suspend proceedings for dinner tonight, I will take it that all Members agree. It is proposed that filming be permitted for about 15 minutes at the beginning of Thursday's sitting.

Prior to sitting this Thursday, I have also arranged a presentation for Members on the proposed refurbishment of the Chamber. Mr Graham McDonald of the Parliamentary Services Department will provide the presentation in the Member's Lounge at 9.30am. I encourage Members to attend the presentation and provide your comment or views to myself or the Clerk at the conclusion of the presentation.

#### 4. President's Ruling - Motions in the Name of Former Members

The President ruled as follows -

I wish to advise Members that any motions standing in the names of former Members will be removed from the Notice Paper unless a Member can show that they were requested by the former Member before 22 May 2009 to take carriage of those motions.

## 5. Petitions

Hon Liz Behjat presented a petition from 1634 petitioners requesting the Legislative Council support an investigation into the lack of adequate safe pedestrian crossings points on Scarborough Beach Road. (Tabled paper 824).

Hon Robin Chapple presented a petition from 593 petitioners requesting the Legislative Council support an inquiry into legislating for Voluntary Euthanasia. (Tabled paper 825).

Hon Robin Chapple sought leave to present a non-conforming petition.

Leave denied.

Hon Lynn MacLaren presented a petition from 20 petitioners requesting the Legislative Council support the completion of deep sewerage in Cockburn. (Tabled paper 826).

## 6. Papers

The following Papers were laid on the Table by -

### **President**

#### *Addendums -*

Joint Standing Committee on the Corruption and Crime Commission (Report No. 2)..... 812

#### *Joint Standing Committee on Treaties (Commonwealth of Australia) -*

Treaties tabled on 13 May 2009 - (Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel (New York, 8 December 2005) - Agreement on Employment of the Spouses and Dependents of Diplomatic and Consular Personnel between Australia and the Portuguese Republic (Lisbon, 6 February 2009) - Agreement between Australia and the Socialist Republic of Vietnam concerning Transfer of Sentenced Persons (Canberra, 13 October 2008)..... 813

### **Leader of the House**

#### *Budget Papers and Related Papers -*

Quarterly Financial Report 2008-2009 (March 2009)..... 814

#### *Management Plans -*

Fish Resources Management Act 1994 (West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 2009 [832] G.G. 22/05/2009) ..... 815

#### *Regulations -*

Local Government (Miscellaneous Provisions) Act 1960 (Building Amendment Regulations (No. 2) 2009 G.G. 19/05/2009) ..... 816

### **Minister for Transport**

#### *By-laws -*

Hospitals and Health Services Act 1927 (Women's and Children's Hospitals Amendment By-laws 2009 G.G. 22/05/2009)..... 817

#### *Regulations -*

Road Traffic Act 1974 (Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2009 G.G. 22/05/2009 and Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2009 G.G. 22/05/2009)..... 818

## **Minister for Energy**

### *Regulations -*

Vocational Education and Training Act 1996 (Vocational Education and Training Amendment Regulations (No. 2) 2009 G.G. 22/05/2009 and Vocational Education and Training (General) Regulations 2009 G.G. 22/05/2009).....	819
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## **Minister for Child Protection**

### *Orders -*

Genetically Modified Crops Free Areas Act 2003 (Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009 G.G. 22/05/2009).....	820
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## **Parliamentary Secretary representing the Minister for Regional Development**

### *Proposals -*

Land Administration Act 1997 - Submission No. 7/2009 - Excision from Class A Reserve No. 45490 - Kooljaman Resort, Dampier.....	821
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Land Administration Act 1997 - Submission No. 11/2009 - Amendment of Class A Reserve No. 2360 - Lot 687, Shire of Mingenew .....	822
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### *Regulations -*

Transfer of Land Act 1893 (Transfer of Land Amendment Regulations 2009 G.G. 22/05/2009).....	823
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## **7. Matter of Urgency - Coalfields Highway and Roe Highway Stage 8**

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, that the Council condemns the Liberal National Government for its decision to cancel their election commitment to provide \$25 million over the next three years for the upgrading of the Coalfields Highway, while at the same time increasing their expenditure on the extension of Roe Highway Stage 8 from \$20 million to \$166 million in this year's budget.

Yours sincerely

Hon Ken Travers

Member for North Metropolitan Region

Four members having risen in support.

Hon Ken Travers moved the motion.

Debate ensued.

Motion lapsed.

## **8. Order of Business**

Ordered - That Orders of the Day Nos 1, *State Administrative Tribunal Amendment Rules (No. 2) 2008 - Disallowance*, 2, *Occupational Safety and Health Amendment Regulations 2008 - Disallowance*, 3, *Children and Community Services Amendment Regulations 2008 - Disallowance*, 4, *Genetically Modified Crops Free Areas Exemption Order (No. 2) 2009 - Disallowance*, 5, *Fish Resources Management Amendment Regulations (No. 3) 2009 - Disallowance*, 6, *Psychologists Amendment Regulations 2009 - Disallowance*, 7, *City of Joondalup - Local Government and Public Property Amendment Local Law (No. 2) 2008 - Disallowance*, 8, *Southern Metropolitan Regional Council Standing Orders Local Law 2008 - Disallowance*, and 9, *City of Gosnells - Local Government Property Local Law 2009 - Disallowance*, be taken after Order of the Day No. 20, *Child Exploitation Material and Classification Legislation Amendment Bill 2009*. (Leader of the House).

**9. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2009-2010**

The Order of the Day having been read, debate resumed on the motion of Parliamentary Secretary representing the Treasurer as follows -

That pursuant to Standing Order No. 49(1)(c) the Legislative Council take note of Tabled Paper No. 773A-H (2009-2010 Budget Statements), laid upon the Table of the House on 14 May 2009.

**10. Questions Without Notice**

Questions without notice were taken.

The Leader of the House representing the Treasurer tabled documents in relation to Western Australian Public Service Policy Advisors Job Description, in response to question on notice No. 728 asked by Hon Adele Farina. (Tabled paper 827).

The Minister for Transport tabled documents in relation to Regional Airports Development Scheme 2008-2009 Funding Round, in response to question on notice No. 704 asked by Hon Ken Travers. (Tabled paper 828).

The Minister for Transport tabled documents in relation to Esperance Port Authority, Environmental Conditions for Nickel Ship loading, in response to question on notice No. 707 asked by Hon Ken Travers. (Tabled paper 829).

The Minister for Environment tabled documents in relation to Prescribed Burning Yearly Summary (Forest Regions) (1999-2009), in response to question on notice No. 692 asked by Hon Nigel Hallett. (Tabled paper 830).

**11. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2009-2010**

Debate resumed on the motion of the Parliamentary Secretary representing the Treasurer (cf item 9 above).

On the motion of Hon Ken Baston the debate was adjourned to the next sitting.

**12. Local Government Amendment (Elections) Bill 2009**

The President reported the receipt of Message No. 22 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Energy moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

**13. Parliamentary Commissioner Amendment 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.

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### **In Committee**

(Hon Matt Benson-Lidholm in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clauses 6 to 8 agreed to.

Clause 9.

The Minister for Child Protection moved -

Page 6, after line 6 and after the item relating to the *Auditor General Act 2006* — To insert —

*Commissioner for  
Children and Young  
People Act 2006*

Commissioner for Children and Young People  
to the extent of the Commissioner's functions  
other than that of chief employee under the  
*Public Sector Management Act 1994*.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 10 agreed to.

New Clause 7A.

Hon Giz Watson moved -

Page 3, after line 9 — To insert —

#### **7A.      Section 11 amended**

After section 11(1) insert:

(1A)      A delegation may not be made to persons engaged under  
Section 9(2B).

Debate ensued.

New Clause - put and negatived.

New Clause 8A.

Hon Giz Watson moved -

Page 5, after line 13 — To insert —

**8A. Section 22B amended**

In section 22B insert:

- (e) is disclosed to a person who is —
    - (i) the Commissioner for Children and Young People; or
    - (ii) a member of the staff of the Commissioner for Children and Young People authorised for the purposes of this subparagraph by the Commissioner,
- and concerns a matter that is relevant to the death of a child.

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

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The President resumed the Chair.

The 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.

**14. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.36pm until Wednesday, 3 June 2009 at 4.00pm.

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

Attendance: Present all Members.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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