

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 113

TUESDAY, 21 SEPTEMBER 2010

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### 1. Meeting of Council

The Council assembled at 3.00pm pursuant to Temporary Orders.

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

### 2. Petitions

Hon Linda Savage presented a petition from 1,852 petitioners requesting the Legislative Council support the *Voluntary Euthanasia Bill 2010*. (Tabled paper 2483).

Hon Liz Behjat presented a petition from 100 petitioners requesting the Legislative Council oppose euthanasia. (Tabled paper 2484).

Hon Helen Morton presented a petition from 40 petitioners requesting the Legislative Council oppose euthanasia. (Tabled paper 2485).

Hon Nick Goiran presented a petition from 57 petitioners requesting the Legislative Council oppose euthanasia. (Tabled paper 2486).

Hon Nick Goiran presented a petition from 358 petitioners requesting the Legislative Council oppose euthanasia. (Tabled paper 2487).

Hon Nick Goiran presented a petition from 67 petitioners requesting the Legislative Council oppose euthanasia. (Tabled paper 2488).

### 3. Ministerial Statement - Renewable Energy Projects

The Minister for Energy made a Ministerial Statement with respect to an announcement regarding the development of renewable energy projects in Western Australia.

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

### 4. Ministerial Statement - Redress WA

The Minister for Child Protection made a Ministerial Statement with respect to the progress of the Redress WA scheme.

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

## 5. Papers

The following Papers were laid on the Table by -

### **President**

#### *Annual Reports -*

Corruption and Crime Commission (2009-2010) (Date received 21/09/2010).....	2466
State Records Commission (2009-2010) (Date received 20/09/2010).....	2467

### **Leader of the House**

#### *Annual Reports -*

Coal Miners' Welfare Board (2009-2010) (Date received 20/09/2010).....	2468
Electoral Commission (2009-2010) (Date received 20/09/2010).....	2469
Minerals and Energy Research Institute of Western Australia [MERIWA] (2009-2010) (Date received 20/09/2010).....	2470

#### *Regulations -*

Liquor Control Act 1988 (Liquor Control Amendment Regulations (No. 5) 2010 G.G. 17/09/2010, Liquor Control Amendment Regulations (No. 6) 2010 G.G. 17/09/2010, Liquor Control Amendment Regulations (No. 7) 2010 G.G. 17/09/2010, Liquor Control (Koongie Park Restricted Area) Regulations 2010 G.G. 17/09/2010, Liquor Control (Kundat Djaru Restricted Area) Regulations 2010 G.G. 17/09/2010 and Liquor Control (Nicholson Block Restricted Area) Regulations 2010 G.G. 17/09/2010).....	2471
Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment Regulations (No. 5) 2010 G.G. 14/09/2010).....	2472

### **Minister for Transport**

#### *Annual Reports -*

Local Health Authority Analytical Committee (2009-2010) (Date received 16/09/2010).....	2473
Quadriplegic Centre Board of Management (2009-2010) (Date received 16/09/2010).....	2474

### **Minister for Energy**

#### *Annual Reports -*

Fire and Emergency Services Authority (2009-2010) (Date received 20/09/2010).....	2475
Police, Western Australia (2009-2010) (Date received 20/09/2010) .....	2476

### **Minister for Child Protection**

#### *Regulations -*

Plant Diseases Act 1914 (Plant Diseases Amendment Regulations (No. 2) 2010 G.G. 17/09/2010) .....	2477
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### **Parliamentary Secretary representing the Attorney General**

#### *Annual Reports -*

Acacia Prison Services Agreement (2009-2010) (Date received 16/09/2010).....	2478
Gender Reassignment Board (2009-2010) (Date received 16/09/2010) .....	2479
Public Advocate (2009-2010) (Date received 16/09/2010).....	2480

*Regulations -*

Criminal Procedure Act 2004 (Criminal Procedure Amendment Regulations 2010 G.G. 17/09/2010).....	2481
Fines, Penalties and Infringement Notices Enforcement Act 1994 (Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2010 G.G. 17/09/2010).....	2482

**6. Standing Committee on Environment and Public Affairs - Special Report - Resolution of the Committee to commence an inquiry into Cockburn Cement Ltd, Munster**

Hon Brian Ellis presented a Special Report of the Standing Committee on Environment and Public Affairs in relation to a resolution of the Committee to commence an inquiry into Cockburn Cement Ltd, Munster. (Tabled paper 2489).

Hon Brian Ellis moved, That the Report do lie upon the Table.

Question - put and passed.

**7. Mental Impairment Court Intervention Program**

Hon Alison Xamon: To move on the next day of sitting -

That this House call upon the Attorney General to urgently adopt Recommendation 23 of the Law Reform Commission Final Report *Court Intervention Programs: Project No. 96* (June 2009), and establish a mental impairment court intervention program in Western Australia.

**8. Order of Business**

Ordered - That Bills for Introduction be taken forthwith. (Leader of the House).

**9. Charitable Trusts Amendment Bill 2010**

The Parliamentary Secretary representing the Attorney General, pursuant to notice, moved -

That a Bill for "An Act to amend the *Charitable Trusts Act 1962*." be introduced and read a first time.

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

**10. Order of Business**

Ordered - That Orders of the Day Nos 1, *Shire of Capel - Keeping and Welfare of Cats Amendment Local Law 2009 - Disallowance*, 4, *Road Traffic Code Amendment Regulations (No. 2) 2010 - Disallowance*, 5, *Shire of Koorda Standing Orders Local Law 2009 - Disallowance*, and 6, *Shire of Dowerin Waste Local Law 2010 - Disallowance*, be taken after Order of the Day No. 12, *Cement Works (Cockburn Cement Limited) Agreement Amendment Bill 2010*. (Leader of the House).

**11. Shire of Ravensthorpe Local Government Property Local Law 2010 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been called, Hon Robin Chapple moved, without notice -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 2, *Shire of Ravensthorpe Local Government Property Local Law 2010 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

**12. Fish Resources Management Amendment Regulations (No. 4) 2010 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been called, Hon Robin Chapple moved, without notice -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 3, *Fish Resources Management Amendment Regulations (No. 4) 2010 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

**13. Cannabis Law Reform Bill 2009**

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

The Minister for Energy representing the Minister for Police 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.

**14. Retail Trading Hours Amendment Bill 2009**

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

Debate resumed.

Question - put.

The House divided.

**Ayes (26)**

Hon Liz Behjat  
 Hon Matt Benson-Lidholm  
 Hon Helen Bullock  
 Hon Jim Chown  
 Hon Peter Collier  
 Hon Ed Dermer  
 Hon Kate Doust  
 Hon Phil Edman  
 Hon Sue Ellery  
 Hon Brian Ellis  
 Hon Donna Faragher  
 Hon Adele Farina  
 Hon Nick Goiran

Hon Nigel Hallett  
 Hon Alyssa Hayden  
 Hon Lynn MacLaren  
 Hon Robyn McSweeney  
 Hon Michael Mischin  
 Hon Norman Moore  
 Hon Helen Morton  
 Hon Simon O'Brien  
 Hon Ljiljana Ravlich  
 Hon Linda Savage  
 Hon Ken Travers  
 Hon Alison Xamon  
 Hon Ken Baston (*Teller*)

**Noes (6)**

Hon Robin Chapple  
 Hon Mia Davies  
 Hon Wendy Duncan

Hon Philip Gardiner  
 Hon Giz Watson  
 Hon Col Holt (*Teller*)

Question thus passed.

Bill read a second time.

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

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

Question - put and passed.

Bill read a third time and passed.

**15. Voluntary Euthanasia Bill 2010**

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

Debate resumed.

Hon Nick Goiran, by leave, tabled an article from *The Lancet* (Vol 352, 3 October 1998) entitled *Seven Deaths in Darwin: case studies under the Rights of the Terminally Ill Act, Northern Territory, Australia*. (Tabled paper 2490).

**16. Questions Without Notice**

Questions without notice were taken.

The Minister for Mines and Petroleum tabled documents in relation to copies of improvement notices signed off as completed by A1 Minerals, in response to question on notice No. 2674 asked by Hon Robin Chapple. (Tabled paper 2491).

The Minister for Child Protection representing the Minister for Agriculture and Food tabled, and by leave incorporated into Hansard, documents in relation to a false document allegation by Dharmic Pty Ltd regarding the importation of industrial hemp, in response to a question without notice asked by Hon Matt Benson-Lidholm. (Tabled paper 2492).

The Parliamentary Secretary representing the Minister for Water, by leave, tabled documents in relation to volumes of water extracted from Gnangara Mound exceeding allocated amounts (2008-2009), in response to question on notice No. 2651 asked by Hon Alison Xamon. (Tabled paper 2493).

**17. Voluntary Euthanasia Bill 2010**

Debate resumed on the second reading of this Bill (cf item 15 above).

*Interruption pursuant to Temporary Orders.*

**18. Members' Statements**

Statements were taken.

Hon Max Trenorden, by leave, tabled a report by Hon Max Trenorden and Hon Nigel Hallett entitled *An alternative path to structural reform of Local Government in Western Australia - A means for Local Government in Western Australia to ensure their future is both assured and robust (September 2010)*. (Tabled paper 2494).

**19. Public Sector Reform Bill 2009**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 133

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Public Sector Reform Bill 2009*.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 21 September 2010

**20. Adjournment**

The House adjourned at 10.16pm until Wednesday, 22 September 2010 at 2.00pm.

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

Attendance: Present all Members except Hon Jon Ford.

**NIGEL LAKE**  
Acting Clerk of the Legislative Council

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