

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 206

THURSDAY, 29 MAY 2008

1. Meeting of Council

The Council assembled at 11.00am pursuant to Temporary Order.

The President, Hon Nick Griffiths, 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 -

27 May 2008 - Message No. 19	Act No.
Legal Profession Bill 2007	21 of 2008
Medical Practitioners Bill 2006	22 of 2008

3. Papers

The following Papers were laid on the Table by -

Minister for Employment Protection

Regulations -

Pawnbrokers and Second-hand Dealers Act 1994 (Pawnbrokers and Second-hand Dealers Amendment Regulations 2008 G.G. 16/05/2008)	4012
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Minister for Child Protection

Regulations -

Civil Judgments Enforcement Act 2004 (Civil Judgments Enforcement Amendment Regulations 2008 G.G. 16/05/2008)	4013
Criminal Procedure Act 2004 (Criminal Procedure Amendment Regulations 2008 G.G. 16/05/2008).....	4014
Magistrates Court Act 2004 (Magistrates Court (Fees) Amendment Regulations 2008 G.G. 16/05/2008).....	4015
Physiotherapists Act 2005 (Physiotherapists Amendment Regulations 2008 G.G. 16/05/2008)	4016

Parliamentary Secretary representing the Minister for Planning and Infrastructure

Regulations -

Perth Parking Management Act 1999 (Perth Parking Management Amendment Regulations 2008

G.G. 16/05/2008)..... 4017

4. Standing Committee on Uniform Legislation and Statutes Review - Thirty-first Report - Road Traffic (Administration) Bill 2007, Road Traffic (Vehicles) Bill 2007, Road Traffic (Authorisation to Drive) Bill 2007, Road Traffic (Consequential Provisions) Bill 2007 and Road Traffic (Vehicles) (Taxing) Bill 2007

Hon Simon O'Brien presented the Thirty-first Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Road Traffic (Administration) Bill 2007; Road Traffic (Vehicles) Bill 2007; Road Traffic (Authorisation to Drive) Bill 2007; Road Traffic (Consequential Provisions) Bill 2007* and *Road Traffic (Vehicles) (Taxing) Bill 2007*. (Tabled paper 4018).

Hon Simon O'Brien moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

5. Standing Committee on Estimates and Financial Operations - Twelfth Report - Balga Works Program

Hon Giz Watson presented the Twelfth Report of the Standing Committee on Estimates and Financial Operations in relation to the *Balga Works Program*. (Tabled paper 4019).

Hon Giz Watson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

6. Heritage of Western Australia Act 1990

Consideration of Legislative Assembly Message No. 323 as follows -

Mr President

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution -

“That this House resolves pursuant to Section 54(7) of the *Heritage of Western Australia Act 1990* that the property known as “The Cliffe” which was permanently entered into the Register of Heritage Places on 19 July 2005 (notice of which appears in the *Government Gazette*, 29 July 2005 at page 3365) should be removed from the Register of Heritage Places”,

and requests the Legislative Council to agree to a similar resolution.

Hon Fred Riebeling
Speaker

Legislative Assembly Chamber
Perth, 14 May 2008

Hon Peter Collier moved, without notice -

That in response to Legislative Assembly Message No. 323 the following motion be agreed to -

That this House resolves, pursuant to Section 54(7) of the *Heritage of Western Australia Act 1990*, that the property known as “The Cliffe” which was permanently entered into the Register of Heritage Places on 19 July 2005 (notice of which appears in the *Government Gazette*, 29 July 2005 at page 3365) should be removed from the Register of Heritage Places.

Point of Order

The Leader of the House raised the following Point of Order -

Mr President, we are apparently dealing with an Order of the Day. I believe the process for dealing with an Order of the Day at this stage requires a suspension of the Temporary Sessional Order.

President's Ruling

The President ruled as follows -

I understand the point the Leader of the House is making. It is governed by Temporary Order 7(3), which, in part, states -

More than one matter may be listed for consideration including a motion without notice, a motion under SO 72, or an Order of the Day but excluding -

(a) business in the name of a Minister or Parliamentary Secretary;

I do not consider Order of the Day 623, headed in the Notice Paper as "Heritage of Western Australia Act 1990", to be business in the name of a Minister or a Parliamentary Secretary. My recollection is that the Leader of the House moved to have the matter made an Order of the Day, but that was a matter merely of facilitating the business of the House. This is not a matter that is in the name of a Minister or a Parliamentary Secretary. In fact, without alluding to debates in another place, I am aware from other sources that it is very much a matter of opposition business, not government business.

Debate ensued.

Question - put.

The House divided.

Ayes (25)

Hon Ken Baston
Hon Matt Benson-Lidholm
Hon George Cash
Hon Kim Chance
Hon Peter Collier
Hon Wendy Duncan
Hon Sue Ellery
Hon Brian Ellis
Hon Donna Faragher
Hon Adele Farina
Hon Jon Ford
Hon Nigel Hallett
Hon Ray Halligan

Hon Barry House
Hon Robyn McSweeney
Hon Sheila Mills
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Batong Pham
Hon Ljiljanna Ravlich
Hon Barbara Scott
Hon Sally Talbot
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Noes (3)

Hon Shelley Archer
Hon Paul Llewellyn

Hon Giz Watson (*Teller*)

Question thus passed.

7. Motorsport Facilities and Events

Pursuant to Temporary Order, Hon Barry House moved, without notice -

That this House condemns the WA State Government for its lack of support for and mismanagement of Motorsport facilities and events.

Debate ensued.

Interruption pursuant to Temporary Order.

8. Order of Business

Ordered - That Orders of the Day Nos 608, *City of Nedlands - Fencing Local Laws 2007 - Disallowance*, 609, *City of Nedlands - Signs Local Law 2007 - Disallowance*, 610, *Swan Districts Hospital (Eveline Road Site) Amendment By-Laws 2008 - Disallowance*, 611, *Peel Health Services By-Laws 2008 - Disallowance*, 612, *Metropolitan Health Service By-Laws 2008 - Disallowance*, 613, *Fremantle Hospital Amendment By-Laws 2008 - Disallowance*, 614, *Bentley Hospital Amendment By-Laws 2008 - Disallowance*, 615, *Armadale Kelmscott District Memorial Hospital Amendment By-Laws 2008 - Disallowance*, 616, *City of Fremantle - Local Law Relating to Outdoor Eating Areas Amendment Local Law 2007 - Disallowance*, 617, *Conservation and Land Management Amendment Regulations (No. 2) 2007 - Disallowance*, 618, *City of Joondalup - Local Government and Public Property Amendment Local Law (No. 2) 2007 - Disallowance*, 619, *City of Cockburn - Parking and Parking Facilities Local Law 2007 - Disallowance*, and 627, *Public Transport Authority Amendment Regulations 2008 - Disallowance*, be taken after Order of the Day No. 372, *Equal Opportunity Amendment Bill 2006*. (Leader of the House).

9. 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.

Want of Quorum

There not being a quorum present, the Acting President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

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

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

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

The Minister for Child Protection representing the Minister for Health 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.

11. Children and Community Services Amendment (Reporting Sexual Abuse of Children) 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.

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clauses 3 and 4 agreed to.

Clause 5.

Hon Robyn McSweeney moved -

Page 2, line 24 — To delete “**sexual**”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (13)

Hon George Cash
 Hon Peter Collier
 Hon Wendy Duncan
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nigel Hallett
 Hon Ray Halligan

Hon Robyn McSweeney
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Barbara Scott
 Hon Ken Baston (*Teller*)

Noes (14)

Hon Shelley Archer
 Hon Kim Chance
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Jon Ford
 Hon Paul Llewellyn

Hon Sheila Mills
 Hon Batong Pham
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Giz Watson
 Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Hon Robyn McSweeney moved -

Page 3, line 29 — To insert after “includes sexual” —

“ , physical, psychological/emotional and neglect ”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (13)

Hon George Cash
 Hon Peter Collier
 Hon Wendy Duncan
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nigel Hallett
 Hon Ray Halligan

Hon Robyn McSweeney
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Barbara Scott
 Hon Ken Baston (*Teller*)

Noes (14)

Hon Shelley Archer
 Hon Kim Chance
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Jon Ford
 Hon Paul Llewellyn

Hon Sheila Mills
 Hon Batong Pham
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Giz Watson
 Hon Ed Dermer (*Teller*)

Amendment thus negatived.

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

Clauses 6 to 10 agreed to.

Clauses 11 and 12 agreed to.

Clause 13.

Hon Giz Watson moved -

Page 19, line 22 — To insert after “under” —

“ the Commonwealth *Family Law Act 1975* section 67ZA(2) or (3) or ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Title agreed to.

The Acting 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.

12. Road Traffic Amendment Bill 2008

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

Debate resumed.

13. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier tabled an answer in relation to companies that have a contract with the Department of Premier and Cabinet to provide elector information to Members of Parliament, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 4020).

The Minister for Employment Protection representing the Minister for Corrective Services tabled, and by leave incorporated into Hansard, documents in relation to a prisoner transport vehicle breaking down while traveling between Roebourne Regional Prison and Broome Regional Prison, in response to a question without notice asked by Hon Giz Watson. (Tabled paper 4021).

The Leader of the House representing the Minister for Water Resources tabled, and by leave incorporated into Hansard, documents in relation to alleged damages to the property at 17 Ryans Road, Margaret River, in response to a question without notice asked by Hon Barry House. (Tabled paper 4022).

The Leader of the House representing the Minister for Resources tabled documents in relation to Bonds for Kalgoorlie Consolidated Gold Mines Pty Ltd for 2007, in response to question on notice No. 6227 asked by Hon Paul Llewellyn. (Tabled paper 4023).

The Parliamentary Secretary representing the Deputy Premier on behalf of the Minister for Child Protection representing the Minister for Health tabled an answer in relation to departments under the responsibility of the Minister for Health - internal audits via an outside body in the years ended 30 June 2002 to 30 June 2007 inclusive, in response to question on notice No. 6270 asked by Hon Ray Halligan. (Tabled paper 4024).

The Minister for Local Government, by leave, incorporated into Hansard an answer in relation to an attendance audit for 2007 of all public schools, in response to a question without notice asked by Hon Donna Faragher.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 6146 asked by Hon Donna Faragher will be provided on 26 June 2008.

14. Road Traffic Amendment Bill 2008

Debate resumed on the second reading of this Bill (cf item 12 above).

Interruption pursuant to Temporary Order.

15. Adjournment

The House adjourned at 6.00pm until Tuesday, 3 June 2008 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Vincent Catania, Hon Bruce Donaldson and Hon Graham Giffard.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council