

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 180

THURSDAY, 6 DECEMBER 2007

1. Meeting of Council

The Council assembled at 11.00am pursuant to order.

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

2. Personal Explanation

Hon Murray Criddle, by leave, made a personal explanation advising the House of his intention to retire [SO 85].

3. Hon Murray Criddle - Retirement

The Leader of the House moved, without notice -

That the House acknowledges and expresses its gratitude for the services of Hon Murray Criddle.

Debate ensued.

Question - put and passed.

4. Petitions

Hon Helen Morton presented a petition from 44 residents of Western Australia requesting the Legislative Council reconsider the ban on smoking at Graylands. (Tabled paper 3600).

Hon Graham Giffard presented a petition from 2 081 residents of Western Australia requesting the Legislative Council to maintain Western Australia as a Genetically Modified (GM) Free Zone. (Tabled paper 3601).

5. Standing Committee on Procedure and Privileges - Fourteenth Report - Referral of a Matter of Privilege from the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations

The President presented the Fourteenth Report of the Standing Committee on Procedure and Privileges in relation to a Referral of a Matter of Privilege from the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations. (Tabled paper 3602).

Hon George Cash moved, without notice -

That the Fourteenth Report of the Standing Committee on Procedure and Privileges in relation to a Referral of a Matter of Privilege from the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations do lie upon the Table and be adopted and agreed to.

The Leader of the House moved, without notice -

That consideration of the motion be made an Order of the Day for a later stage of this day's sitting.

Question - put and passed.

6. Paper

The following Paper was laid on the Table by -

President

Reports -

Legislative Council Recordkeeping Plan 2007 3599

7. Standing Committee on Legislation - Eleventh Report - Annual Report 2007

Hon Graham Giffard presented the Eleventh Report of the Standing Committee on Legislation in relation to the Annual Report 2007. (Tabled paper 3603).

Hon Graham Giffard moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

8. Order of Business

Ordered - That Orders of the Day be now taken. (Leader of the House).

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

9. Water Services Licensing (Water Conservation Target) Amendment Bill 2007

Hon Paul Llewellyn, pursuant to notice, moved -

That a Bill for "An Act to amend the *Water Services Licensing Act 1995*" be introduced and read a first time.

Question - put and passed.

Bill read a first time.

Hon Paul Llewellyn moved, That the Bill be now read a second time.

Debate stands adjourned.

10. Greenhouse Gas Emission Reduction (Hot Water Systems) Bill 2007

Hon Paul Llewellyn, pursuant to notice, moved -

That a Bill for "An Act to mandate the use of solar hot water systems in Western Australia" be introduced and read a first time.

Question - put and passed.

Bill read a first time.

Hon Paul Llewellyn moved, That the Bill be now read a second time.

Debate stands adjourned.

11. Order of Business

Ordered - That Orders of the Day Nos 527, *Town of Claremont Standing Orders Local Law 2007 - Disallowance*, 528, *Local Government (Rules of Conduct) Regulations 2007 - Disallowance*, 529, *Non-Coronial Post-Mortem Examinations Code of Practice 2007 - Disallowance*, 544, *West Coast Demersal Scalefish (Interim) Management Plan 2007 - Disallowance*, 547, *Prohibition on Commercial Fishing (Metropolitan Waters) Order 2007 - Disallowance* and 549, *Shire of Wiluna Health Local Laws 2007 - Disallowance*, be taken after Order of the Day No. 362, *Acts Amendment (Consent to Medical Treatment) Bill 2006*. (Leader of the House).

12. Shire of Cue Repeal Local Law 2007 - Disallowance - Discharge from Notice Paper

Hon Ray Halligan moved, without notice -

That Order of the Day No. 542, *Shire of Cue Repeal Local Law 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

13. Fish Resources Management Amendment Regulations (No. 7) 2007 - Disallowance - Discharge from Notice Paper

Hon Ray Halligan moved, without notice -

That Order of the Day No. 543, *Fish Resources Management Amendment Regulations (No. 7) 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

14. Public Trustee and Trustee Companies Legislation Amendment 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 Attorney General moved, That the report be adopted.

Question - put and passed.

The Minister for Child Protection representing the Attorney General moved, That the Bill be now read a third time.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed in Committee, and reported.

Debate ensued.

Questions - put and passed.

Bill read a third time and passed.

15. Waste Avoidance and Resource Recovery Bill 2007 and Waste Avoidance and Resource Recovery Levy Bill 2007

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills.

Debate resumed.

Question - put and passed.

Bills read a second time.

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Waste Avoidance and Resource Recovery Bill 2007

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 101 agreed to.

Schedule 1 agreed to.

Schedule 2 agreed to.

Schedule 3 agreed to.

Schedule 4 agreed to.

Schedule 5 agreed to.

Title agreed to.

Waste Avoidance and Resource Recovery Levy Bill 2007

Bill agreed to as a whole.

The Acting President resumed the Chair.

Bills reported without amendment.

Report adopted.

The Parliamentary Secretary representing the Minister for the Environment moved, That the Bills be now read a third time.

The Acting President having reported that the Chairman of Committees had certified that the fair print of the Bills were in accordance with the Bills as agreed to in Committee, and reported.

Question - put and passed.

Bills read a third time and passed.

16. Road Traffic Amendment Bill (No. 2) 2007

The Order of the Day having been read for the consideration in Committee of Message No. 268 from the Legislative Assembly.

The Acting President left the Chair.

In Committee

(Hon Sheila Mills in the Chair)

Mr President.

The Legislative Assembly acquaints the Legislative Council that it has considered and agreed to the amendments made by the Legislative Council in the *Road Traffic Amendment Bill (No.2) 2007*, subject to further amendments, as set forth in the Schedule annexed, in which the Legislative Assembly desires the Legislative Council's concurrence.

Fred Riebeling
Speaker

Legislative Assembly Chamber
Perth, 15 November 2007

Schedule showing amendments made to the Legislative Council's amendment in the Road Traffic Amendment Bill (No.2) 2007.

Amendment No. 1

Clause 2, page 3, in proposed paragraph (g) – To delete “other than section 26”.

Amendment No. 2

Clause 2, page 3, in proposed paragraph (g) – To insert after “comes into operation” –
“ , and different days may be fixed for different provisions ”.

Amendment No. 3

Clause 2, page 3, To delete proposed paragraph (h).

The Minister for Regional Development moved that the further amendments contained in Message No. 268 be agreed to.

Debate ensued.

Amendments - put and passed.

The Deputy President resumed the Chair.

The Deputy Chairman reported, That the Committee had considered Message No. 268 from the Legislative Assembly, and had agreed to the amendments contained therein.

Report adopted.

Legislative Assembly acquainted accordingly.

17. Casino (Burswood Island) Agreement Amendment 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.

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

The Minister for Racing and Gaming moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

18. Electricity Industry Amendment 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.

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

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

Question - put and passed.

Bill read a third time and passed.

19. Order of Business

Ordered - That Order of the Day No. 483, *Judges' Salaries and Pensions Amendment Bill 2007*, be now taken. (Leader of the House).

20. Judges' Salaries and Pensions Amendment 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.

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

The Minister for Child Protection representing the Attorney General moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

21. Order of Business

Ordered - That Order of the Day No. 497, *Local Government (Miscellaneous Provisions) Amendment (Smoke Alarms) Bill 2007*, be now taken. (Leader of the House).

22. Local Government (Miscellaneous Provisions) Amendment (Smoke Alarms) Bill 2007

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

Debate resumed.

Hon Paul Llewellyn, by leave, spoke on the second reading of this Bill.

Question - put and passed.

Bill read a second time.

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

The Minister for Local Government representing the Minister for Housing and Works moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

23. Order of Business

Ordered - That Order of the Day, *Standing Committee on Procedure and Privilege - Fourteenth Report - Referral of a Matter of Privilege from the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations*, be now taken.

(Leader of the House).

24. Standing Committee on Procedure and Privilege - Fourteenth Report - Referral of a Matter of Privilege from the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations

The Order of the Day having been read, debate resumed on the motion, That the report do lie upon the Table and be adopted and agreed to.

On the motion of the Leader of the House the debate was adjourned to the next sitting.

25. Order of Business

Ordered - That Order of the Day No. 480, *Criminal Code Amendment (Drink and Food Spiking) Bill 2007*, be now taken. (Leader of the House).

26. Criminal Code Amendment (Drink and Food Spiking) 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.

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

The Minister for Child Protection representing the Attorney General moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

27. Order of Business

Ordered - That Order of the Day No. 479, *Human Reproductive Technology Amendment Bill 2007*, be now taken. (Leader of the House).

28. Human Reproductive Technology Amendment Bill 2007

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

Debate resumed.

29. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection tabled a factsheet in relation to Class 1 and Class 2 offences that would preclude a person from holding a working with children card, in response to a question without notice asked by Hon Robyn McSweeney. (Tabled paper 3604).

The Minister for Regional Development representing the Minister for Corrective Services tabled, and by leave incorporated into Hansard, an answer in relation to sex offenders being released from prison early, in response to a question without notice asked by Hon Robyn McSweeney. (Tabled paper 3605).

The Minister for Child Protection representing the Minister for Health tabled an answer in relation to patient discharges from a general public hospital bed with a principal diagnosis of a mental disorder over the past three years, in response to question on notice No. 5614 asked by Hon Helen Morton. (Tabled paper 3606).

The Minister for Child Protection representing the Minister for Health tabled an answer in relation to people with a mental health diagnosis in an emergency department or observation ward, in response to question on notice No. 5619 asked by Hon Helen Morton. (Tabled paper 3607).

30. Human Reproductive Technology Amendment Bill 2007

Debate resumed on the second reading of this Bill (cf item 28 above).

Extension of Time - The Leader of the House sought leave of the House for Hon Ed Dermer to extend his speaking time.

Leave granted.

Debate resumed.

Hon Ed Dermer, by leave, tabled documents in relation to human reproductive technology. (Tabled paper 3608).

Interruption of Debate [SO 61(b)].

31. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until a date and time fixed by the President.

Question - put and passed.

32. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 5.49pm until a date and time fixed by the President.

Members present during the day's proceedings

Attendance: Present all Members except Hon Batong Vu Pham and Hon Barbara Scott.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council