

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 201

THURSDAY, 8 MAY 2008

1. Meeting of Council

The Council assembled at 10.00am pursuant to Temporary Order.

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

2. Petitions

Hon Giz Watson presented a petition, by delivery to the Clerk, [SO 130], from 372 petitioners requesting the Legislative Council inquire, report and recommend opposition to the use of depleted uranium munitions. (Tabled paper 3957).

Hon Giz Watson presented a petition, by delivery to the Clerk, [SO 130], from 42 petitioners requesting the Legislative Council investigate and oppose the establishment of Woodside LNG land based Pluto development on Site A and B on the Burrup Peninsula, Dampier Archipelago. (Tabled paper 3958).

3. Papers

The following Papers were laid on the Table by -

Leader of the House

Local Laws -

Agriculture and Related Resources Protection Act 1976 (Shire of Plantagenet - Pest Plants
Amendment Local Law 2008 G.G. 11/04/2008)..... 3936

Regulations -

Stock Diseases (Regulations) Act 1968 (Enzootic Diseases Amendment Regulations (No. 2)
2008 G.G. 29/04/2008) 3937

Minister for Local Government

Local Laws -

Cemeteries Act 1986 (Shire of Plantagenet - Cemeteries Local Law 2008 G.G. 11/04/2008) 3938

Dividing Fences Act 1961 (Town of Vincent Fencing Local Law 2008 G.G. 15/04/2008) 3939

Dog Act 1976 (Shire of Plantagenet - Dogs Local Law 2008 G.G. 11/04/2008) 3941

Local Government Act 1995 (Shire of Dardanup Amendment Local Law 2008 G.G. 08/04/2008, Shire of Plantagenet - Extractive Industries Local Law 2008 G.G. 11/04/2008, Shire of Plantagenet - Landfill and Transfer Station Facilities Amendment Local Law 2008 G.G. 11/04/2008, Shire of Plantagenet - Local Government Property Local Law 2008 G.G. 11/04/2008, Shire of Plantagenet - Parking and Parking Facilities Local Law 2008 G.G. 11/04/2008, Shire of Plantagenet - Standing Orders Amendment Local Law 2008 G.G. 11/04/2008, Shire of Wagin Unsightly Land and Refuse, Rubbish or Disused Material on Land Local Law 2008 G.G. 02/05/2008, Town of Vincent Local Government Property Local Law 2008 G.G. 15/04/2008 and Town of Vincent Trading in Public Places Local Law 2008 G.G. 15/04/2008).....	3942
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Gaming and Wagering Commission Act 1987 (Gaming and Wagering Commission Amendment Regulations 2008 G.G. 29/04/2008).....	3944
Liquor Control Act 1988 (Liquor Control Amendment Regulations 2008 G.G. 02/05/2008, Liquor Control Amendment Regulations (No. 2) 2008 G.G. 22/04/2008 and Liquor Control (Wangkatjungka Restricted Area) Regulations 2008 G.G. 22/04/2008).....	3945
Local Government (Miscellaneous Provisions) Act 1960 (Building Amendment Regulations (No. 2) 2008 G.G. 18/04/2008).....	3946
State Superannuation Act 2000 (State Superannuation Amendment Regulations (No. 3) 2008 G.G. 11/04/2008).....	3947

Minister for Local Government on behalf of the Minister for Employment Protection

Local Laws -

Bush Fires Act 1954 (Shire of Plantagenet - Bush Fire Brigades Amendment Local Law 2008 G.G. 11/04/2008).....	3948
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Notices -

Dangerous Goods Safety Act 2004 (Dangerous Goods Safety Exemption Notice 2008 G.G. 18/04/2008).....	3949
Energy Safety Act 2006 (Energy Safety Levy Notice 2008 G.G. 29/04/2008).....	3950

Regulations -

Emergency Management Act 2005 (Emergency Management Amendment Regulations (No. 2) 2008 G.G. 29/04/2008).....	3951
Weapons Act 1999 (Weapons Amendment Regulations (No. 2) 2008 G.G. 11/04/2008).....	3952

Minister for Child Protection

Local Laws -

Health Act 1911 (City of Canning Eating Houses Local Law 2008 G.G. 15/04/2008).....	3953
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Regulations -

Health Act 1911 (Health (Meat Hygiene) Amendment Regulations 2008 G.G. 02/05/2008).....	3954
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Rules -

Magistrates Court Act 2004 (Magistrates Court (General) Amendment Rules 2008 G.G.08/04/2008).....	3955
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Parliamentary Secretary representing the Minister for Planning and Infrastructure

Ministerial Approvals -

Country Housing Act 1998 - Non-commercial loan to the Royal Flying Doctor Service..... 3956

4. Standing Committee on Legislation - Twelfth Report - Surrogacy Bill 2007

Hon Graham Giffard presented the Twelfth Report of the Standing Committee on Legislation in relation to the *Surrogacy Bill 2007*. (Tabled paper 3959).

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

Question - put and passed.

5. Standing Committee on Uniform Legislation and Statutes Review - Special Report - Extension of Reporting Time

Hon Simon O'Brien presented a Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Prisoners (Interstate Transfer) Amendment Bill 2007* seeking an extension of time from 13 May 2008 to 29 May 2008. (Tabled paper 3960).

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

Question - put and passed.

6. Standing Committee on Uniform Legislation and Statutes Review - Special Report - Extension of Reporting Time

Hon Simon O'Brien presented a Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Sentence Administration (Interstate Transfer of Community Based Sentences) Bill 2007* seeking an extension of time from 13 May 2008 to 29 May 2008. (Tabled paper 3961).

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

Question - put and passed.

7. Standing Committee on Uniform Legislation and Statutes Review - Special Report - Extension of Reporting Time

Hon Simon O'Brien presented a Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Co-operatives Bill 2007* seeking an extension of time from 13 May 2008 to 29 May 2008. (Tabled paper 3962).

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

Question - put and passed.

8. Joint Standing Committee on Delegated Legislation - Twenty-Seventh Report - Annual Report 2007

Hon Ray Halligan presented the Twenty-Seventh Report of the Joint Standing Committee on Delegated Legislation in relation to the *Annual Report 2007*. (Tabled paper 3963).

Hon Ray Halligan moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

9. Ministerial Statement - National Playgroup Week 2008

The Minister for Child Protection made a Ministerial Statement with respect to National Playgroup Week 2008.

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

10. Select Committee into the Police Raid on the Sunday Times - Establishment

Pursuant to Temporary Order, Hon Norman Moore moved, without notice -

- (1) That a select committee of three members be appointed, any two of whom constitute a quorum.
- (2) The committee and the proceedings of the committee are subject to chapter XXII of Standing Orders and is to be regarded for all purposes as a committee appointed under that chapter.
- (3) The committee is to inquire into and report on all the circumstances surrounding the police raid on *The Sunday Times* on 30 April 2008.
- (4) The committee is to report by 12 August 2008.

Debate ensued.

On the motion of the Minister for Local Government the debate was adjourned to the next sitting.

11. Medical Practitioners Bill 2006

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

The Minister for Local Government 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.

12. Legal Profession Bill 2007

The Order of the Day for the further consideration of this Bill, in Committee, having been read.

The President left the Chair.

In Committee

(Hon Sheila Mills in the Chair)

Clause 111.

Debate resumed.

The Deputy Chairman left the Chair at 11.26am

The Deputy Chairman resumed the Chair at 11.42am.

Clause 111.

Debate resumed.

Clause agreed to.

Clauses 112 to 138 agreed to.

Clause 139.

Debate ensued.

Clause agreed to.

Clauses 140 to 224 agreed to.

Clause 225.

Debate ensued.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure on behalf of the Minister for Child Protection representing the Attorney General moved -

Page 175, line 15 — To insert after "Part" —

“ (other than subsection (3)) ”.

Page 175, after line 16 — To insert —

“

- (3) Subsection (1) does not apply in relation to trust money that is held by the person under another trust when it is paid into the general trust account or controlled money account.

”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 226 agreed to.

Clause 227.

Debate ensued.

Clause agreed to.

Clauses 228 to 250 agreed to.

Clause 251.

Debate ensued.

Clause agreed to.

Clause 252 agreed to.

Clause 253.

Debate ensued.

Clause agreed to.

Clauses 254 to 256 agreed to.

Clause 257.

Debate ensued.

Clause agreed to.

Clauses 258 to 262 agreed to.

Clause 263.

Debate ensued.

The Leader of the House moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and passed.

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 at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

13. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2008-2009 - Tabling of Papers

The following Papers were laid on the Table by -

Parliamentary Secretary representing the Treasurer

Budget Papers and Related Papers -

2008-2009 Budget - Budget Speech - Budget Paper No. 13940A

2008-2009 Budget - Reader's Guide to the 2008-2009 Budget Statements.....3940B

2008-2009 Budget - Budget Overview - Building WA.....	3940C
2008-2009 Budget - Budget Statements - Budget Paper No. 2 (Volume 1)	3940D
2008-2009 Budget - Budget Statements - Budget Paper No. 2 (Volume 2)	3940E
2008-2009 Budget - Budget Statements - Budget Paper No. 2 (Volume 3)	3940F
2008-2009 Budget - Economic and Fiscal Outlook - Budget Paper No. 3	3940G
2008-2009 Budget - Compact Disk.....	3940H

The Parliamentary Secretary representing the Treasurer moved, without notice -

That pursuant to Standing Order 49(1)(c) the Legislative Council take note of Tabled Papers Nos 3940A-H, laid upon the Table of the House on Thursday, 8 May 2008.

On the motion of Hon Bruce Donaldson the debate was adjourned to the next sitting.

14. Order of Business

Ordered - That Order of the Day No. 538, *Legal Profession Bill 2007*, be resumed forthwith. (Leader of the House).

15. Legal Profession Bill 2007

The Order of the Day for the further consideration of this Bill, in Committee, having been read.

The President left the Chair.

In Committee

(Hon Sheila Mills in the Chair)

Clause 263.

Debate resumed.

Clause agreed to.

Clauses 264 and 265 agreed to.

Clause 266.

Debate ensued.

Clause agreed to.

Clause 267 agreed to.

Clause 268.

Debate ensued.

Clause agreed to.

Clauses 269 to 274 agreed to.

Clause 275.

Debate ensued.

Clause agreed to.

Clauses 276 to 288 agreed to.

Clause 289.

Debate ensued.

Clause agreed to.

Clause 290.

Debate ensued.

Clause agreed to.

Clause 291.

Debate ensued.

Clause agreed to.

Clauses 292 to 294 agreed to.

Clause 295.

Debate ensued.

Clause agreed to.

Clause 296 agreed to.

Clause 297.

Debate ensued.

Clause agreed to.

Clauses 298 to 300 agreed to.

Clause 301.

Debate ensued.

Clause agreed to.

Clauses 302 and 303 agreed to.

Clause 304.

Debate ensued.

Clause agreed to.

Clauses 305 and 306 agreed to.

Clause 307.

Debate ensued.

Clause agreed to.

Clauses 308 to 327 agreed to.

Clause 328.

Debate ensued.

Clause agreed to.

Clauses 329 to 432 agreed to.

Clause 433.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure on behalf of the Minister for Child Protection representing the Attorney General moved -

Page 304, lines 16 and 17 — To delete the lines.

Page 304, line 18 — To delete “the complainant” and insert instead —

“ a party ”.

Page 304, lines 21 and 22 — To delete “who is entitled to appear before the Complaints Committee or”.

Debate ensued.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 434 to 440 agreed to.

Clause 441.

Debate ensued.

Clause agreed to.

Clauses 442 to 518 agreed to.

Clause 519.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure on behalf of the Minister for Child Protection representing the Attorney General moved -

Page 367, lines 16 and 17 — To delete “who has or has had control of documents relating to the affairs of the practice”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 520.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure on behalf of the Minister for Child Protection representing the Attorney General moved -

Page 368, lines 20 to 22 — To delete “who has or has had control of documents relating to the affairs of the lawyer”.

Page 369, line 10 — To delete “of” the first time it occurs and insert instead —

“ or ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 521 to 522 agreed to.

Clause 523.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure on behalf of the Minister for Child Protection representing the Attorney General moved -

Page 371, line 27 — To delete the line.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (11)

Hon Kim Chance
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Graham Giffard
Hon Sheila Mills

Hon Batong Pham
Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Noes (14)

Hon Ken Baston
 Hon George Cash
 Hon Peter Collier
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nigel Hallett
 Hon Ray Halligan

Hon Barry House
 Hon Paul Llewellyn
 Hon Robyn McSweeney
 Hon Norman Moore
 Hon Simon O'Brien
 Hon Giz Watson
 Hon Bruce Donaldson (*Teller*)

Amendment thus negatived.

Debate resumed.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure on behalf of the Minister for Child Protection representing the Attorney General moved, That further consideration of Clause 523 be postponed until after Clause 714.

Question - put and passed.

Clause 524 agreed to.

Clause 525.

Debate ensued.

16. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled, and by leave incorporated into Hansard, documents in relation to Government affordable housing and developments by the Armadale Redevelopment Authority, in response to a question without notice asked by Hon Simon O'Brien. (Tabled paper 3964).

The Minister for Local Government representing the Minister for Education and Training tabled, and by leave incorporated into Hansard, documents in relation to the Flexible Learning in Schools Program, in response to a question without notice asked by Hon Peter Collier. (Tabled paper 3965).

The Minister for Forestry tabled production contracts and timber sleeper specifications in relation to timber used for Westrail rail sleepers, in response to question on notice No. 6101 asked by Hon Paul Llewellyn. (Tabled paper 3966).

The Minister for Local Government representing the Minister for Housing and Works tabled an answer in relation to Non-metropolitan Government Regional Officers' Housing as at 1 March 2008, in response to question on notice No. 5962 asked by Hon Wendy Duncan. (Tabled paper 3967).

17. Legal Profession Bill 2007

The President left the Chair.

In Committee

(Hon Sheila Mills in the Chair)

The Leader of the House moved, That progress be reported and leave asked to sit again.

Question - put and passed.

The Deputy President resumed the Chair.

The Deputy 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.

18. Fatal Accidents Amendment Bill 2008

The Deputy President reported the receipt of Message No. 319 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

19. Road Traffic Amendment Bill 2008

The Deputy President reported the receipt of Message No. 320 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Local Government on behalf of the Minister for Employment Protection representing the Minister for Police and Emergency Services moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Local Government on behalf of the Minister for Employment Protection representing the Minister for Police and Emergency Services moved, That the Bill be now read a second time.

Debate stands adjourned.

20. Employment Dispute Resolution Bill 2007

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 321

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendment made by the Legislative Council in the *Employment Dispute Resolution Bill 2007*.

Ms K. Hodson-Thomas

Acting Speaker

Legislative Assembly Chamber

Perth, 8 May 2008

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

The Order of the Day for the further consideration of this Bill, in Committee, having been read.

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 11.

Proposed Section 110Q.

Debate resumed on the amendment of Hon Helen Morton as follows -

Page 15, after line 30 — To insert —

“

- (e) it includes a form of words which provides an opportunity for the maker to identify from whom advice has been sought.

”.

Hon Helen Morton sought leave to withdraw her amendment.

Leave granted.

Hon Helen Morton moved -

Page 15, before line 12 — To insert —

“

- (c) it includes a form of words which provide the maker, where the maker has received advice under paragraph (b), with an opportunity to disclose the source of that advice; and

”.

Debate ensued.

Hon Helen Morton sought leave to withdraw her amendment.

Leave granted.

The Minister for Child Protection moved -

Page 15, after line 30 — To insert —

“

- (2) Despite subsection (1)(b), the validity of an advance health directive is not affected by a failure to comply with subsection (1)(b).

”.

Debate ensued.

Amendment - put and passed.

Proposed Section, as amended, agreed to.

Proposed New Section 110QA.

The Minister for Child Protection moved -

Page 16, after line 8 — To insert —

“

110QA. Maker may indicate in directive whether advice obtained

The form prescribed by the regulations for section 110Q(1)(a) must include provision for the maker, if the maker wishes —

- (a) to indicate whether the maker obtained legal or medical advice about the making of the directive; and
- (b) if so, to identify from whom the maker obtained the advice.

”.

Proposed New Section agreed to.

Section 110S.

Hon Barbara Scott moved -

Page 17, line 15 — To insert after “circumstances” —

“ clearly ”.

Debate ensued.

The Minister for Child Protection moved, That progress be reported and leave asked to sit again.

Question - put and passed.

The Acting 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.

22. Adjournment

The House adjourned at 5.57pm until Tuesday, 13 May 2008 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Vincent Catania and Hon Jon Ford.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council