

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 173

WEDNESDAY, 21 NOVEMBER 2007

1. Meeting of Council

The Council assembled at 4.00pm pursuant to order.

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

2. Personal Explanation

Hon Adele Farina, by leave, made a personal explanation [SO 85].

Hon Adele Farina, by leave, tabled a letter from Hon Julian Grill with a handwritten postscript. (Tabled paper 3520).

3. Personal Explanation

Hon Barry House, by leave, made a personal explanation [SO 85].

4. Personal Explanation

Hon Murray Criddle, by leave, made a personal explanation [SO 85].

Hon Murray Criddle, by leave, tabled a letter from Hon Julian Grill with a handwritten postscript. (Tabled paper 3521).

5. Ministerial Statement - Western Australian Racing Industry Hall of Fame

The Minister for Racing and Gaming made a Ministerial Statement with respect to the Western Australian Racing Industry Hall of Fame.

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

6. Papers

The following Papers were laid on the Table by -

Leader of the House

Instruments -

Energy Coordination Act 1994 (Notice of repeal of the Gas Marketing Code of Conduct
G.G. 02/11/2007)..... 3518

Parliamentary Secretary representing the Minister for Planning and Infrastructure

Agreements -

Armadale Redevelopment Act 2001 - Enter into an Agreement valued over \$1 million, with Industrial Road Pavers Pty Ltd for the removal of the entire northern stockpile of surplus material from Champion Lakes 3519

Hon Barry House, by leave, tabled a letter from Hon Julian Grill with a handwritten postscript. (Tabled paper 3522).

7. Teacher Shortage

Motion No. 55 having been read, debate resumed on the motion of Hon Peter Collier as follows -

That this House expresses its grave concern at the recent revelation of the Department of Education and Training that there will be a shortage of 3 000 teachers in Western Australia in five years unless some serious action is taken to remedy this significant problem.

8. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection representing the Attorney General tabled, and by leave incorporated into Hansard, documents in relation to details of the main issues that people had concerns with that were raised in the State Administrative Tribunal, in response to a question without notice asked by Hon Robyn McSweeney. (Tabled paper 3523).

The Minister for Local Government representing the Minister for Education and Training in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 5550 asked by Hon Peter Collier will be provided by 27 November 2007.

9. Teacher Shortage

Debate resumed on the motion of Hon Peter Collier (cf item 7 above).

Interruption of Debate [SO 195].

10. Order of Business

Ordered - Order of the Day No 484, *Mooring Amendment Regulations 2007* be made an Order of the Day for a later stage of this day's sitting.

(Leader of the House).

Ordered - That Orders of the Day Nos 489, *Rights in Water and Irrigation Amendment Regulations 2007*, 490, *Rights in Water and Irrigation Amendment Regulations 2007*, 509, *Shire of Menzies - Dogs Local Law 2007*, 512, *Shire of Goomalling - Local Law Relating to Fencing 2007*, 515, *Poisons Amendment Regulations (No. 2) 2007*, 517, *Occupational Therapists Regulations 2007*, 527, *Town of Claremont Standing Orders Local Law 2007 - Disallowance*, 528, *Local Government (Rules of Conduct) Regulations 2007 - Disallowance* and 529, *Non-Coronial Post-Mortem Examinations Code of Practice 2007 - Disallowance*, be taken after Order of the Day No. 362, *Acts Amendment (Consent to Medical Treatment) Bill 2006*.

(Leader of the House).

11. 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.

Hon Barbara Scott, by leave, tabled and incorporated into Hansard various documents in relation to the *Human Reproductive Technology Amendment Bill 2007*. (Tabled paper 3524).

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

12. Order of Business

Ordered - That Order of the Day No 484, *Mooring Amendment Regulations 2007* be now taken.
(Leader of the House).

13. Mooring Amendment Regulations 2007 - Disallowance

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Simon O'Brien -

That the *Mooring Amendment Regulations 2007* published in the *Gazette* on 12 June 2007 and tabled in the Legislative Council on 27 June 2007 under the *Shipping and Pilotage Act 1967*, be and are hereby disallowed.

Hon Simon O'Brien sought leave of the House to continue his remarks at a later stage of this day's sitting.

Leave granted.

On the motion of the Leader of the House the debate was adjourned to a later stage of this day's sitting.

14. Order of Business

Ordered - Order of the Day No. 484, *Mooring Amendment Regulations 2007* be now taken in Committee.

(Leader of the House).

15. Mooring Amendment Regulations 2007 - Disallowance

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

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Debate resumed on the motion moved *pro forma* by Hon Simon O'Brien as follows -

That the *Mooring Amendment Regulations 2007* published in the *Gazette* on 12 June 2007 and tabled in the Legislative Council on 27 June 2007 under the *Shipping and Pilotage Act 1967*, be and are hereby disallowed.

Question - put.

The Committee divided.

Ayes (13)

Hon George Cash
Hon Peter Collier
Hon Murray Criddle
Hon Brian Ellis
Hon Donna Faragher
Hon Anthony Fels
Hon Nigel Hallett

Hon Ray Halligan
Hon Robyn McSweeney
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Bruce Donaldson (*Teller*)

Noes (13)

Hon Matt Benson-Lidholm
 Hon Vincent Catania
 Hon Kim Chance
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Graham Giffard

Hon Paul Llewellyn
 Hon Sheila Mills
 Hon Ljiljanna Ravlich
 Hon Ken Travers
 Hon Giz Watson
 Hon Ed Dermer (*Teller*)

The votes being equal, the question was resolved in the negative.

The Acting President resumed the Chair.

Report adopted.

Question - That the Motion to disallow be agreed to - put and negatived.

16. Medical Practitioners Bill 2006

The Acting President reported the receipt of Message No. 271 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure on behalf of the Minister for Child Protection representing the Minister for Health moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure on behalf of the Minister for Child Protection representing the Minister for Health moved, That the Bill be now read a second time.

Debate stands adjourned and the Bill referred to Standing Committee on Uniform Legislation and Statutes Review.

17. Cross-border Justice Bill 2007

The Deputy President reported the receipt of Message No. 272 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure on behalf of 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 Parliamentary Secretary representing the Minister for Planning and Infrastructure on behalf of the Minister for Child Protection representing the Attorney General moved, That the Bill be now read a second time.

Debate stands adjourned and the Bill referred to Standing Committee on Uniform Legislation and Statutes Review.

18. Legal Profession Bill 2007

The Deputy President reported the receipt of Message No. 273 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 and the Bill referred to Standing Committee on Uniform Legislation and Statutes Review.

19. Inheritance (Family and Dependants Provision) Amendment Bill 2007

The Deputy President reported the receipt of Message No. 274 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.

20. Acts Amendment (Justice) Bill 2007

The Deputy President reported the receipt of Message No. 275 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.

21. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 11.21pm until Thursday, 22 November 2007 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jon Ford and Hon Sally Talbot.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council