

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 12

WEDNESDAY, 11 MARCH 2009

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. Statement by President - Filling of Senate Vacancy

The President made the following Statement -

I have the honour to inform you that at a Joint Sitting of the Houses of Parliament of the State of Western Australia, held at Perth on 11 March 2009, the Members of such Houses, sitting and voting together, in pursuance of Section 15 of the *Commonwealth of Australia Constitution Act*, did choose Dr Christopher John Back, of 4 Wren Street, Mt Pleasant, Western Australia to hold the place vacated by Senator Chris Ellison.

3. Petitions

Hon George Cash presented a petition from one petitioner requesting that the Legislative Council oppose showrooms being constructed on Lots 1, 2, 3, 4, 13 and 15 Ewen Street, Woodlands, Western Australia. (Tabled paper 530).

Hon Barry House presented a petition from 164 petitioners requesting the Legislative Council to support the rejection of the Daylight Saving Bill 2006 at the referendum. (Tabled paper 531).

4. Papers

The following Papers were laid on the Table by -

President

Joint Standing Committee on the Corruption and Crime Commission -

Parliamentary Inspector's Report Concerning Mr Stephen Lee (Report No. 1)
(Deemed tabled 24/12/2008) 497

Leader of the House

Annual Reports -

Sports Centre Trust (2007-2008) (Date received 10/03/2009) 498

Management Plans -

Fish Resources Management Act 1994 (West Coast Demersal Scalefish Fishery (Interim) Management Plan Amendment 2008 [882] G.G. 16/12/2008, West Coast Deep Sea Crustacean Fishery (Interim) Management Plan Amendment 2008 [893] G.G. 17/12/2008 and West Coast Demersal Scalefish Fishery (Interim) Management Plan Amendment (No. 2) 2008 [894] G.G. 22/12/2008).....	499
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Orders -

Fish Resources Management Act 1994 (Prohibition on Commercial Fishing (Land Hermit Crabs) Order 2008 [868] G.G. 02/12/2008, (Prohibition on Commercial Fishing (Muiron Islands Marine Management Area) Order No. 9 2008 [809] G.G. 30/12/2008, Prohibition on Recreational Fishing (Muiron Islands Marine Management Area) Order No. 10 2008 [809] G.G. 30/12/2008 and Prohibition on Line Fishing (Metal in Lines and Traces) Order 2008 [745] G.G. 30/12/2008).....	500
---	-----

Regulations -

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 8) 2008 G.G. 19/12/2008)	501
Mining Act 1978 (Mining (Ellendale Diamond Royalties) Amendment Regulations 2008 G.G.31/12/2008)	502

Minister for Transport*Local Laws -*

Health Act 1911 (Shire of Northam Health Local Law 2008 G.G. 10/12/2008, Shire of Meekatharra Health Local Laws 2008 G.G. 23/12/2008 and Town of Claremont Health Amendment Local Laws 2009 G.G. 23/12/2008)	503
--	-----

Notices -

Professional Standards Act 1997 (Engineers Australia Western Australia Scheme G.G.09/12/2008)	504
---	-----

Regulations -

Civil Judgments Enforcement Act 2004 (Civil Judgments Enforcement Amendment Regulations (No. 3) 2008 G.G. 23/12/2008 and Civil Judgments Enforcement Amendment Regulations (No. 5) 2008 G.G. 23/12/2008)	505
Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations (No. 4) 2008 G.G. 19/12/2008)	506
Magistrates Court Act 2004 (Magistrates Court (Fees) Amendment Regulations (No. 4) 2008 G.G. 23/12/2008).....	507
Medical Practitioners Act 2008 (Medical Practitioners Regulations 2008 - PRINTERS CORRECTION G.G. 05/12/2008)	508
Road Traffic Act 1974 (Road Traffic (Charges and Fees) Amendment Regulations (No. 4) 2008 G.G. 02/12/2008).....	509
Transport Co-ordination Act 1966 (Country Taxi-cars (Fares and Charges) Amendment Regulations (No. 2) 2008 G.G. 17/12/2008).....	510

Minister for Energy*Local Laws -*

Bush Fires Act 1954 (Shire of Harvey Bush Fire Brigades Amendment Local Law 2008 G.G. 19/12/2008).....	511
Cemeteries Act 1986 (Shire of Bridgetown-Greenbushes Cemeteries Amendment Local Law 2008 G.G. 12/12/2008, Shire of Broomehill-Tambellup Cemeteries Local Law 2008 G.G.23/12/2008, Shire of Harvey Cemeteries Amendment Local Law 2008 G.G. 19/12/2008 and Shire of Donnybrook-Balingup Cemeteries Local Law 2008 G.G. 30/12/2008).....	512

Dog Act 1976 (City of Stirling Dogs Local Law 2008 G.G. 12/12/2008, Shire of Bridgetown-Greenbushes Dogs Amendment Local Law 2008 G.G. 12/12/2008, Shire of Broomehill-Tambellup Dogs Local Law 2008 G.G. 23/12/2008, Shire of Harvey Dogs Amendment Local Law 2008 G.G. 19/12/2008 and Shire of Woodanilling Dogs Local Law 2008 G.G. 10/12/2008).....	513
Local Government Act 1995 (City of Fremantle Short Stay Accommodation Local Law 2008 G.G. 18/12/2008, City of Joondalup Local Government and Public Property Amendment Local Law 2008 G.G. 05/12/2008, City of Joondalup Trading in Public Places Amendment Local Law 2008 G.G. 05/12/2008, City of Stirling Bee Keeping Local Law 2008 G.G. 12/12/2008, Shire of Broomehill-Tambellup Activities in Thoroughfares and Public Places and Trading Local Law 2008 G.G. 23/12/2008, Shire of Broomehill-Tambellup Extractive Industries Local Law 2008 G.G. 23/12/2008, Shire of Broomehill-Tambellup Fencing Local Law 2008 G.G. 23/12/2008, Shire of Broomehill-Tambellup Local Government Property Local Law 2008 G.G. 23/12/2008, Shire of Broomehill-Tambellup Repeal Local Law 2008 G.G. 23/12/2008, Shire of Broomehill-Tambellup Standing Orders Local Law 2008 G.G. 23/12/2008, Shire of Harvey Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2008 G.G. 19/12/2008, Shire of Harvey Control and Management of the Harvey Commonage (Reserve No. 22977) Amendment Local Law 2008 G.G. 19/12/2008, Shire of Harvey Fencing Amendment Local Law 2008 G.G. 19/12/2008, Shire of Harvey Local Government Property Amendment Local Law 2008 G.G. 19/12/2008, Shire of Harvey Parking and Parking Facilities Amendment Local Law 2008 G.G. 19/12/2008, Shire of Harvey Repeal Local Law 2008 G.G. 19/12/2008, Shire of Harvey Standing Orders Amendment Local Law 2008 G.G. 19/12/2008, Town of Claremont Activities on Thoroughfares and Public Places Amendment Local Law 2008 G.G. 12/12/2008 and Town of Port Hedland Reserves and Foreshores Amendment Local Law 2008 G.G. 23/12/2008)	514
<i>Regulations -</i>	
Police Act 1892 (Police Force Amendment Regulations (No. 2) 2008 G.G. 30/12/2008)	515
Vocational Education and Training Act 1996 (Vocational Education and Training Amendment Regulations 2009 G.G. 31/12/2008)	516
<i>Statutes -</i>	
Murdoch University Act 1973 (Murdoch University - Amending Statute No. 5 - Academic Council G.G. 19/12/2008).....	517
University of Western Australia Act 1911 (University of Western Australia - Statutes Nos. 7, 12 and 25 - Amending Statute No. 1 of 2008 G.G. 19/12/2008).....	518
Minister for Child Protection	
<i>Local Laws -</i>	
Agriculture and Related Resources Protection Act 1976 (Shire of Broomehill-Tambellup Pest Plant Local Law 2008 G.G. 23/12/2008).....	519
<i>Regulations -</i>	
Children and Community Services Act 2004 (Children and Community Services Amendment Regulations 2008 G.G. 09/12/2008)	520
Parliamentary Secretary representing the Treasurer	
<i>Regulations -</i>	
Construction Industry Portable Paid Long Service Leave Act 1985 (Construction Industry Portable Paid Long Service Leave Amendment Regulations 2008 G.G. 30/12/2008).....	522
Employment Dispute Resolution Act 2008 (Employment Dispute Resolution Regulations 2008 - PRINTERS CORRECTION G.G. 05/12/2008)	523
Fair Trading Act 1987 (Fair Trading (Product Safety Standard) Amendment Regulations (No. 4) 2008 G.G. 30/12/2008)	524
First Home Owner Grant Act 2000 (First Home Owner Grant Amendment Regulations (No. 3) 2008 G.G. 23/12/2008)	525

Real Estate and Business Agents Act 1978 (Real Estate and Business Agents (General) Amendment Regulations (No. 3) 2008 G.G. 23/12/2008).....	526
Settlement Agents Act 1981 (Settlement Agents Amendment Regulations (No. 2) 2008 G.G. 23/12/2008).....	527
Trade Measurement Act 2006 (Trade Measurement Amendment Regulations (No. 2) 2008 G.G. 23/12/2008).....	528
Workers' Compensation and Injury Management Act 1981 (Workers' Compensation and Injury Management Amendment Regulations 2008 G.G. 17/12/2008 and Workers' Compensation and Injury Management (Scales of Fees) Amendment Regulations 2008 G.G. 17/12/2008).....	529

Parliamentary Secretary representing the Minister for Regional Development

Proposals -

Land Administration Act 1997 - Submission No. 2/2009 - Change of purpose of A Class Reserve 783 - Shire of Irwin.....	521
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5. Select Committee into Public Sector Expenditure - Establishment

Debate resumed on the amendment of Hon Ray Halligan as follows -

- (1) To delete paragraph 3(a) and insert instead -

“

 - (a) the impact of the current financial crisis on the State's economy and finances;
 - (b) the sustainability of the rate of growth in general government expenditure detailed in the 2008-09 Budget;
 - (c) the sustainability of the forecast decrease in operating surplus detailed in the 2008-09 Budget;
 - (d) the sustainability of the forecast increase in net debt detailed in the 2008-09 Budget;
 - (e) the impacts of the 3% efficiency dividend introduced by the former Treasurer, Hon Eric Ripper MLA, and announced in the Pre-Election Financial Projections Statement in August 2008 on the general level of service delivery across all agencies, in particular any impacts on service delivery to regional areas;
 - (f) the impact of failing to fully implement the 3% efficiency dividend on the operating surplus and net debt;

”.
- (2) In paragraph 3(e) — To insert after “function” -

“

, and if so specific advice on which agencies or functions should contribute a disproportionate share of the \$1,449 million in savings over the forward estimates identified by the former Treasurer, Hon Eric Ripper MLA in August 2008

”.

to the motion of Hon Sue Ellery as follows -

- (1) That a select committee of three members is 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 it is to be regarded for all purposes as a committee appointed under that chapter.

- (3) The committee is to inquire into and report on Government measures to audit the operational and financial performance of the Western Australian public sector, and any other means by which efficiencies in public sector expenditure can be gained and all the circumstances surrounding the implementations of the 3% efficiency dividend including -
- (a) the impacts of the 3 percent efficiency dividend on the general level of service delivery across all agencies; in particular any impacts on service delivery to regional areas,
 - (b) consider alternative methods for achieving a 3 percent reduction in government expenditure;
 - (c) whether the efficiency dividend has a disproportionate impact on smaller agencies, including whether or not smaller agencies are disadvantaged by poorer economies of scale or a relative inability to obtain funding for new policy proposals;
 - (d) what measures agencies are taking to implement the efficiency dividend, and the effect on their functions, performance and staffing arrangements;
 - (e) alternatives to an across-the-board efficiency dividend to encourage efficiency in the public sector, including consideration of whether certain agencies or functions of agencies should be exempt from the efficiency dividend, or whether the rate of the dividend should vary according to agency size or function.
- (4) The Committee may present interim reports without a requirement for leave and is to present its final report to the House not later than Tuesday, 12 May 2009.

Hon Ray Halligan, by leave, withdrew the amendment standing in his name.

Hon Sue Ellery, by leave, withdrew the motion.

6. Transcripts of Evidence from Former Select Committee

Motion No. 4 having been called, Hon Anthony Fels, pursuant to notice, moved -

That the Clerk of the Legislative Council table in the House, within three sitting days of the order of the House, all transcripts of evidence given by Hon Anthony Fels to the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations.

Debate ensued.

7. Questions Without Notice

Questions without notice were taken.

Point of Order

Hon Ken Travers raised the following Point of Order -

Mr President, before we complete question time, I would like to make a comment for your consideration as you consider whether the question asked by Hon Ljiljanna Ravlich is in order. I refer to Standing Order 136 that deals with questions that may be put. Section A states -

Questions may be put to:

- (a) a Minister relating to public affairs with which he is connected...

It goes on to talk about proceedings in the Council and matters of administration for which a minister is responsible. Mr President, I suggest that in your consideration you should look at the fact that the question that was asked by Hon Ljiljanna Ravlich clearly related to public affairs with which the Minister is connected. The Minister for Regional Development, like a number of ministers, has an advocacy role as well as roles relating to the administration of departments. Part of that advocacy role is to advocate and coordinate broadly across

government economic development. The issues that were being raised by Hon Ljiljanna Ravlich in her question this afternoon clearly relate to the public affairs with which that Minister is responsible. Mr President, I urge you to consider that and, if possible, give a ruling so that that question can be answered at the earliest opportunity for the Member.

President's Ruling

The President ruled as follows -

I thank Hon Ken Travers for raising the point that he has. I will give the matter due consideration.

The Leader of the House on behalf of the Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to details of the Minister for Regional Development's office staff, in response to question on notice No. 97 asked by Hon Sally Talbot. (Tabled paper 532).

The Minister for Transport representing the Deputy Premier tabled documents in relation to details of the Deputy Premier's office staff, in response to question on notice No. 94 asked by Hon Sally Talbot. (Tabled paper 533).

The Minister for Child Protection representing the Minister for Planning tabled documents in relation to details of the Minister for Planning's office staff, in response to question on notice No. 114 asked by Hon Sally Talbot. (Tabled paper 534).

8. Transcripts of Evidence from Former Select Committee

Debate resumed on the motion of Hon Anthony Fels (cf item 6 above).

Interruption of Debate [SO 195].

9. Order of Business

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

10. Water Services Licensing (Water Conservation Target) Amendment Bill 2008

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.

11. Prisoners (Interstate Transfer) Amendment Bill 2009

The Minister for Transport, pursuant to notice, moved -

That a Bill for "An Act to amend the *Prisoners (Interstate Transfer) Act 1983*." be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Transport moved, without notice -

That pursuant to Standing Order 230A(3), the *Prisoners (Interstate Transfer) Amendment Bill 2009* do not stand referred to the Standing Committee on Uniform Legislation and Statutes Review.

Question - put and passed.

The Minister for Transport moved, That the Bill be now read a second time.

Debate stands adjourned.

12. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2009

The Minister for Training, pursuant to notice, moved -

That a Bill for “An Act to amend the -

- *Building and Construction Industry Training Fund and Levy Collection Act 1990*; and
- *Building and Construction Industry Training Fund and Levy Collection Regulations 1991.*”

be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Training moved, That the Bill be now read a second time.

Debate stands adjourned.

13. Local Government Amendment Bill 2009

The Minister for Energy, pursuant to notice, moved -

That a Bill for “An Act to amend the *Local Government Act 1995*.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Energy moved, That the Bill be now read a second time.

Debate stands adjourned.

14. Occupational Safety and Health Amendment Bill 2009

The Parliamentary Secretary representing the Minister for Commerce, pursuant to notice, moved -

That a Bill for “An Act to amend the *Occupational Safety and Health Act 1984* and to make related amendments to the *Industrial Relations Act 1979*.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Commerce moved, That the Bill be now read a second time.

Debate stands adjourned.

15. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the Address-in-Reply.

Debate resumed.

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

16. Electoral Amendment (Miscellaneous) Bill 2008

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

Debate ensued.

Question - put and passed.

Bill read a second time.

Ordered - That consideration of the Bill, in Committee, be made an Order of the Day for the next sitting.

17. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.23pm until Thursday, 12 March 2009 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Batong Pham.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council