

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 19

THURSDAY, 2 APRIL 2009

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. Ministerial Statement - Synergy - Offshore Jobs

The Minister for Energy made a Ministerial Statement with respect to preserving Western Australian jobs within Synergy.

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

3. Ministerial Statement - Cost-of-Living Rebate Scheme

The Minister for Seniors and Volunteering made a Ministerial Statement with respect to the processing of the cost of living rebate payments to the seniors card holders in Western Australia.

The Minister for Seniors and Volunteering tabled a spreadsheet outlining key milestones in relation to the cost of living rebate payments to the seniors card holders in Western Australia. (Tabled paper 641).

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

4. Papers

The following Papers were laid on the Table by -

Minister for Child Protection

Ministerial Approvals -

Midland Redevelopment Act 1999 - Approval for Subdivision SU00011/SU0010 Helena Precinct - Lots 601 and 669 Yelverton Drive, Woodbridge	638
Midland Redevelopment Act 1999 - Approval for Subdivision SU0009 Clayton Precinct - Creation of Coppershop Road and the extension of Lloyd Street, Midland	639

Parliamentary Secretary representing the Treasurer

Annual Reports -

Anzac Day Trust (2007-2008) (Date received 01/04/2009).....	640
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5. Joint Standing Committee on Delegated Legislation - Twenty-Eighth Report - Local Laws Regulating Signs and Advertising Devices.

Hon Kim Chance presented the Twenty-Eighth Report of the Joint Standing Committee on Delegated Legislation in relation to *Local Laws Regulating Signs and Advertising Devices*. (Tabled paper 642).

Hon Kim Chance moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

6. Joint Standing Committee on Delegated Legislation - Twenty-Ninth Report - City of Armadale - Signs Amendment Local Law 2008.

Hon Kim Chance presented the Twenty-Ninth Report of the Joint Standing Committee on Delegated Legislation in relation to the *City of Armadale - Signs Amendment Local Law 2008*. (Tabled paper 643).

Hon Kim Chance moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

7. Port Authorities Amendment Regulations 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *Port Authorities Amendment Regulations 2008* published in the *Gazette* on 5 September 2008 and tabled in the Legislative Council on 25 November 2008 under the *Port Authorities Act 1999*, be and are hereby disallowed.

8. Seeds Amendment Regulations 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *Seeds Amendment Regulations 2008* published in the *Gazette* on 16 September 2008 and tabled in the Legislative Council on 25 November 2008 under the *Seeds Act 1981*, be and are hereby disallowed.

9. State Administrative Tribunal Amendment Rules (No. 2) 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *State Administrative Tribunal Amendment Rules (No. 2) 2008* published in the *Gazette* on 29 August 2008 and tabled in the Legislative Council on 25 November 2008 under the *State Administrative Tribunal Act 2004*, be and are hereby disallowed.

10. Shire of Dowerin - Fencing Local Law 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *Shire of Dowerin - Fencing Local Law 2008* published in the *Gazette* on 26 September 2008 and tabled in the Legislative Council on 25 November 2008 under the *Local Government Act 1995*, be and is hereby disallowed.

11. Town of Cambridge - Parking Amendment Local Law 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *Town of Cambridge - Parking Amendment Local Law 2008* published in the *Gazette* on 10 October 2008 and tabled in the Legislative Council on 25 November 2008 under the *Local Government Act 1995*, be and is hereby disallowed.

12. Perth Market Amendment By-Laws 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *Perth Market Amendment By-Laws 2008* published in the *Gazette* on 10 October 2008 and tabled in the Legislative Council on 25 November 2008 under the *Perth Market Act 1926*, be and are hereby disallowed.

13. W.A. Marine (Surveys and Certificates of Survey) Amendment Regulations (No. 2) 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *W.A. Marine (Surveys and Certificates of Survey) Amendment Regulations (No. 2) 2008* published in the *Gazette* on 24 October 2008 and tabled in the Legislative Council on 25 November 2008 under the *Western Australian Marine Act 1982*, be and are hereby disallowed.

14. Poisons Amendment Regulations (No. 2) 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *Poisons Amendment Regulations (No. 2) 2008* published in the *Gazette* on 7 November 2008 and tabled in the Legislative Council on 25 November 2008 under the *Poisons Act 1964*, be and are hereby disallowed.

15. Radiation Safety (General) Amendment Regulations 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *Radiation Safety (General) Amendment Regulations 2008* published in the *Gazette* on 2 September 2008 and tabled in the Legislative Council on 25 November 2008 under the *Radiation Safety Act 1975*, be and are hereby disallowed.

16. Shire of Kalamunda - Fencing Local Law 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *Shire of Kalamunda - Fencing Local Law 2008* published in the *Gazette* on 3 October 2008 and tabled in the Legislative Council on 25 November 2008 under the *Local Government Act 1995*, be and is hereby disallowed.

17. Port Authorities Amendment Regulations (No. 2) 2008 - Disallowance

Hon Kim Chance: To move on the next day of sitting -

That the *Port Authorities Amendment Regulations (No. 2) 2008* published in the *Gazette* on 31 October 2008 and tabled in the Legislative Council on 25 November 2008 under the *Port Authorities Act 1999*, be and are hereby disallowed.

18. Prostitution Amendment Act Repeal Bill 2009

Hon Anthony Fels: To move on the next day of sitting -

That a Bill for "An Act to repeal the *Prostitution Amendment Act 2008*." be introduced and read a first time.

19. Standing Committee on Estimates and Financial Operations - Office of Shared Services

Motion No. 8 having been called, Hon Anthony Fels, pursuant to notice, moved -

That the Standing Committee on Estimates and Financial Operations table in the Legislative Council any documents and transcripts of proceedings of the briefing from the Office of Shared Services provided to them on 21 August 2006, as referred to at 2.34 in the 2006 Annual Report.

Debate ensued.

Hon Anthony Fels, by leave, tabled a letter sent by him to the Chair of the Standing Committee on Estimates and Financial Operations requesting that the transcripts and details of the committee's briefing with the Office of Shared Services be made public. (Tabled paper 644).

Question - put and negatived.

20. Native Forests

Motion No. 9 having been called, Hon Paul Llewellyn, on behalf of Hon Giz Watson [SO 157], pursuant to notice, moved -

That in light of the Forest Product Commission's poor financial performance in the native forest sector; the failure of regulation and compliance of native forest logging; the impact of logging on the habitat of vulnerable species; the compelling evidence of native forest ecosystems at risk of irreparable damage; and the compounding impact of climate change, this House calls on the Government to -

- (1) Set in place a full transition to plantation and farm forestry for the production of commodity timber products currently derived from native forests.
- (2) Immediately develop an exit strategy for the native forest commodity timber industry.
- (3) Put in place an independently refereed, scientifically based program to restore the ecological integrity of native forests which underpins the delivery of clean air, clean water, carbon sequestration, biodiversity and natural heritage values of the South West region.

Debate ensued.

Interruption of debate [SO 195]

21. Consideration of Committee Reports

Pursuant to Standing Orders for the consideration of Committee Reports.

In Committee

(Hon George Cash in the Chair)

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

Hon Giz Watson continued her introductory remarks in moving, That the Report be noted.

Debate ensued.

Interruption of Debate [SO 61A].

The Deputy President resumed the Chair.

The Chairman of Committees reported that the Committee of the Whole House had considered the -

Standing Committee on Estimates and Financial Operations - Twelfth Report - Balga Works Program, made progress, and asked leave to sit again.

Report adopted.

22. Treasurer's Advance Authorisation Bill 2009

The Deputy President reported the receipt of Message No. 16 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Treasurer moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

23. Order of Business

Ordered - That Orders of the Day Nos 31, *City of Armadale - Signs Amendment Local Law 2008 - Disallowance*, 32, *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2008 - Disallowance*, 35, *Road Traffic (Authorisation to Drive) Regulations 2008 - Disallowance*, 41, *Waste Avoidance and Resource Recovery Regulations 2008 - Disallowance*, 42, *Waste Avoidance and Resource Recovery Levy Regulations 2008 - Disallowance*, 48, *Electricity Networks Access Code Amendments (No. 2) 2008 - Disallowance* and 49, *Genetically Modified Crops Free Areas Exemption Order 2009 - Disallowance*, be taken after Order of the Day No. 23, *National Gas Access (WA) Bill 2008*. (Leader of the House).

24. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the amendment of Hon Sue Ellery as follows -

But regrets to inform Your Excellency that the Government has failed to adequately address a number of serious issues affecting Western Australia.

Debate resumed.

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

25. Local Government Amendment Bill 2009

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

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1 agreed to.

Clauses 2 to 20 agreed to.

Clause 21.

Debate ensued.

Hon Paul Llewellyn moved -

Page 16, lines 8 to 10 — To delete “a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.” and insert —

public advertising before the position can be filled in merely an acting capacity, provided that the local government is at the same time regularly publicly advertising for and otherwise actively searching for a person to permanently fill the position.

Debate ensued.

Amendment - put and negatived.

Question - That the clause stand as printed - put and passed.

Clause 22.

Debate ensued.

Clause agreed to.

Clauses 23 to 30 agreed to.

Clause 31.

Hon Paul Llewellyn moved -

Page 19, lines 2 to 4 — To delete the lines and insert —

Delete section 5.96 and insert:

- (1) If a person can inspect certain information under this Division, the person may request a copy of the information. The local government will ensure the price at which it sells copies does not exceed the cost of providing the copies.
- (2) Subject to section 4.42, the local government shall not make available copies of the information referred to in paragraphs (m) or (s) of section 5.94 unless the Electoral Commissioner considers that the public interest in making those copies available outweighs the public interest in protecting the privacy of that information. Before seeking the view of the Electoral Commissioner the local government shall first obtain from the person seeking the copies a written undertaking about the purpose for which that information is to be used.

Debate ensued.

Amendment - put and negatived.

Question - That the clause stand as printed - put and passed.

Clause 32 agreed to.

Clause 33.

Debate ensued.

Clause agreed to.

Clause 34.

Debate ensued.

Clause agreed to.

Clauses 35 to 37 agreed to.

Clause 38.

Debate ensued.

Clause agreed to.

Clauses 39 and 40 agreed to.

Clause 41.

Debate ensued.

Hon Paul Llewellyn moved -

Page 25, lines 3 to 12 — To delete the lines and insert —

- (1) After section 8.2(1) insert:
 - (2) Notices under subsection (1) shall be to the CEO, unless the CEO is the subject of the Minister's or Departmental CEO's investigations, and in the latter case the notice may instead be issued to any other person.
- (2) Delete section 8.2(2) and insert:
 - (2) A CEO who fails to comply with a notice under subsection (1) commits an offence.

Debate ensued.

26. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection representing the Minister for Agriculture and Food tabled documents in relation to the standard application form for the approval of a trial cultivation of roundup ready canola offered to farmers in response to a question without notice asked by Hon Paul Llewellyn. (Tabled paper 645).

27. Local Government Amendment Bill 2009

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 41.

Debate resumed on the amendment of Hon Paul Llewellyn as follows -

Page 25, lines 3 to 12 — To delete the lines and insert —

- (1) After section 8.2(1) insert:
 - (2) Notices under subsection (1) shall be to the CEO, unless the CEO is the subject of the Minister's or Departmental CEO's investigations, and in the latter case the notice may instead be issued to any other person.
- (2) Delete section 8.2(2) and insert:
 - (2) A CEO who fails to comply with a notice under subsection (1) commits an offence.

Amendment - put and negatived.

Question, That the clause stand as printed - put and passed.

Clauses 42 to 45 agreed to.

Clause 46.

Debate ensued.

Hon Paul Llewellyn moved -

Page 28, lines 9 to 16 — To delete the lines.

Debate ensued.

Amendment - put and negatived.

Question, That the clause stand as printed - put and passed.

Clauses 47 and 48 agreed to.

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

Question - put and passed.

The Deputy 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.

28. Statement - Treasurer's Advance Authorisation Bill 2009

The Leader of the House, by leave, made a Statement with respect to the *Treasurer's Advance Authorisation Bill 2009* and its passage through the House.

29. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 5.33pm until Tuesday, 7 April 2009 at 3.30pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Shelley Eaton.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council