

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 16

THURSDAY, 19 MARCH 2009

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### 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. President's Ruling - Questions Without Notice to Parliamentary Secretaries

The President ruled as follows -

Yesterday, Hon Ken Travers asked a question without notice to the Parliamentary Secretary representing the Treasurer. I said that I would rule on whether the question or parts of the question were out of order.

Standing Order 136 provides that questions may be put to -

- (a) a Minister relating to public affairs with which he is connected, to proceedings in the Council, or to any matter of administration for which he is responsible;
- (b) a Member except the President relating to any Bill, motion, or other public matter connected with the business of the Council of which the Member has charge.

Section 44A of the *Constitution Acts Amendment Act 1899* enables a Member of either House to be appointed by the Governor in Executive Council as a Parliamentary Secretary to a Minister, with the Parliamentary Secretary's functions specified in the warrant of appointment.

A Parliamentary Secretary is not a Minister; a Parliamentary Secretary acts as a representative of a Minister and answers questions in that context. It is not for the President to look behind the intent of the question but, rather, to see whether it is within the rules.

As I stated on 28 March 2007 on a point of order on whether it is the province of a Parliamentary Secretary to qualify or change an answer or whether it is merely a Parliamentary Secretary's role to convey a Minister's answer to this House in question time, representatives of Ministers give answers but they are responsible for the answers they give.

The first part of the question is in order, as it directly relates to the functions of a Parliamentary Secretary. How a Parliamentary Secretary answers such a question is a matter for the Parliamentary Secretary. Parts (2) to (4) of the question are out of order as they do not relate to the Parliamentary Secretary's functions.

### **3. Standing Committee on Environment and Public Affairs - Fifteenth Report - Annual Report 2008**

Hon Sheila Mills presented the Fifteenth Report of the Standing Committee on Environment and Public Affairs being the Annual Report 2008. (Tabled paper 596).

Hon Sheila Mills moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

### **4. Standing Committee on Estimates and Financial Operations - Fifteenth Report - Annual Report 2008**

Hon Giz Watson presented the Fifteenth Report of the Standing Committee on Estimates and Financial Operations being the Annual Report 2008. (Tabled paper 597).

Hon Giz Watson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

### **5. Joint Standing Committee on the Corruption and Crime Commission - Second Report - Report on the Relationship Between the Parliamentary Inspector and the Commissioner of the Corruption and Crime Commission**

Hon Ray Halligan presented the Second Report of the Joint Standing Committee on the Corruption and Crime Commission in relation to the Report on the Relationship Between the Parliamentary Inspector and the Commissioner of the Corruption and Crime Commission. (Tabled paper 598).

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

Question - put and passed.

### **6. Genetically Modified Crops Free Areas Exemption Order 2009 - Disallowance**

Hon Paul Llewellyn: To move on the next day of sitting -

That the *Genetically Modified Crops Free Areas Exemption Order 2009* published in the *Gazette* on 17 February 2009 and tabled in the Legislative Council on 18 March 2009 under the *Genetically Modified Crops Free Areas Act 2003*, be and is hereby disallowed.

### **7. Small Business Development Corporation**

Hon Ljiljanna Ravlich: To move on the next day of sitting -

- (1) That this House calls on the Minister for Commerce and the Minister for Regional Development to make public their positions on the future of the Small Business Development Corporation (SBDC), in light of the uncertainty in the small business community and given the Chamber of Commerce and Industry's position as outlined in their 2009/10 pre-budget submission to Government which states that -

“The Chamber of Commerce and Industry (CCI) believes that there are significant opportunities for the core functions of the SBDC to be absorbed by other agencies.”

- (2) That this House calls on the Minister for Commerce and the Minister for Regional Development to -
  - (a) allay the concern of the small business sector and guarantee that the SBDC will not be privatised in full or part or carved up and its functions distributed to other agencies as part of the Government's three per cent efficiency dividend; and
  - (b) confirm that the future of the small business centres around the state is assured and that they will not be privatised in full or part or carved up and their functions distributed to other agencies as part of the Government's three per cent efficiency dividend.

## **8. Government Training Policy**

Hon Ljiljanna Ravlich: To move on the next day of sitting -

That this House condemns the Minister for Training for his failure to produce a training policy and calls on the Minister to outline what he will do to assist industry and Western Australian workers who have been adversely impacted by the global financial crisis, and calls on the Minister to outline -

- (a) his Government's policies to deal with the impact of the global financial crisis on workers who lose their jobs and need retraining;
- (b) how many training places will be delivered to apprentices and trainees over four years;
- (c) how many training places will be delivered in green skills areas;
- (d) how much funding will be allocated by the State Government to retraining retrenched workers across the state;
- (e) how much funding will be allocated to VET in schools; and
- (f) what is the Government's plan for training infrastructure in Western Australia.

## **9. Government Small Business Policy**

Hon Ljiljanna Ravlich: To move on the next day of sitting -

- (1) That this House condemns the Minister for Commerce for his failure to produce a small business policy and calls on the Minister to outline what he will do to assist small businesses and Western Australian workers who have been adversely impacted by the global financial crisis.
- (2) That this House calls on the Minister to explain -
  - (a) his Government's policies to deal with the impact of the global financial crisis on small business and the thousands of workers who lose their jobs and require retraining;
  - (b) what strategies he has put in place to protect small business and their workers;
  - (c) what practical assistance is available to small businesses that go bust and the thousands of workers who lose their jobs; and
  - (d) why he has been asleep at the wheel whilst small business in Western Australia go under.

## **10. Government Tourism Policy**

Hon Ljiljanna Ravlich: To move on the next day of sitting -

- (1) That this House condemns the Minister for Tourism for her failure to produce a Tourism policy at a time of economic uncertainty and calls on the Minister to outline what she will do to assist tourism businesses and Western Australian workers who are adversely impacted by the global financial crisis.
- (2) That this House calls on the Minister to explain -
  - (a) her Government's policies to deal with the impact of the global financial crisis on tourism operators in Western Australia and the thousands of workers that are being retrenched in the tourism and hospitality sector;
  - (b) what strategies she has put in place to protect small business and their workers;

- (c) what practical assistance is available to tourism operators that go bust and the thousands of workers who lose their jobs; and
- (d) why she has been asleep at the wheel whilst tourism operators in Western Australia go under.

## **11. Review of TAFEWA Operations**

Hon Ljiljanna Ravlich: To move on the next day of sitting -

That this House calls on the Minister for Training to provide information to the House on the review of TAFEWA operations, which will among other things, be giving consideration to the level of independence required by TAFE Colleges and the manner in which Colleges can improve and streamline the way business is conducted and asks the Minister to explain -

- (a) who is undertaking this review;
- (b) what are the terms of reference for the review and the timeline for completion;
- (c) why he has been secretive about the review by not announcing it but rather letting it slip under the radar;
- (d) why he was selective in which stakeholders he wrote to about the review in December and why he did not inform the whole sector; and
- (e) why he has not allayed the concerns of the training sector that TAFE colleges will have to contest with each other, be privatised or have their functions contracted out.

## **12. Renewable Energy Technologies - Gross Feed-in Tariff**

Motion No. 7 having been called.

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

That this House calls on the Western Australian Government to introduce a State-based comprehensive gross feed-in tariff for renewable energy technologies.

*Interruption of debate* [SO 195]

## **13. Consideration of Committee Reports**

Pursuant to Standing Orders for the consideration of Committee Reports.

### **In Committee**

(Hon Ray Halligan in the Chair)

#### **Standing Committee on Estimates and Financial Operations - Special Report - Inquiry into Royalties for Regions Policy**

Hon Giz Watson moved, That the Report be noted.

Question - put and passed.

#### **Standing Committee on Public Administration - Seventh Report - Annual Report 2007**

Hon Barry House moved, That the Report be noted.

Debate ensued.

Question - put and passed.

#### **Standing Committee on Public Administration - Eighth Report - Inquiry into the Management of Asbestos Containing Materials in Western Australian State Schools**

Hon Barry House moved, That the Report be noted.

Debate ensued.

Question - put and passed.

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

Hon Giz Watson moved, That the Report be noted.

*Interruption of Debate* [SO 61A].

The President resumed the Chair.

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

- (1) Standing Committee on Estimates and Financial Operations - Special Report - Inquiry into Royalties for Regions Policy and had noted same.
- (2) Standing Committee on Public Administration - Seventh Report - Annual Report 2007 and had noted same.
- (3) Standing Committee on Public Administration - Eighth Report - Inquiry into the Management of Asbestos Containing Materials in Western Australian State Schools and had noted same.
- (4) Standing Committee on Estimates and Financial Operations - Twelfth Report - Balga Works Program, made progress, and asked leave to sit again.

Report adopted.

**14. Order of Business**

Ordered - That Orders of the Day Nos 21, *Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, 31, *City of Armadale - Signs Amendment Local Law 2008 - Disallowance*, 32, *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2008 - Disallowance*, and 35, *Road Traffic (Authorisation to Drive) Regulations 2008 - Disallowance*, be taken after Order of the Day No. 27, *Occupational Safety and Health Amendment Bill 2009*. (Leader of the House).

**15. Address-In-Reply**

The Order of the Day having been read for the adjourned debate on the amendment of Hon Sue Ellery to the Address-in-Reply 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.

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

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

Debate ensued.

**17. Questions Without Notice**

Questions without notice were taken.

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

Debate resumed on the second reading of this Bill (cf item 16 above).

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 Training moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

**19. Local Government Amendment Bill 2009**

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

Debate ensued.

*Interruption of Debate* [SO 61(b)].

**20. Special Adjournment**

The Minister for Transport moved, without notice -

That the House at its rising adjourn until Tuesday, 31 March 2009.

Question - put and passed.

**21. Adjournment**

The Minister for Transport moved, That the House do now adjourn.

Debate ensued.

Question - put and passed.

The House adjourned at 5.34 until Tuesday, 31 March 2009 at 3.30pm.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Shelley Archer, Hon Wendy Duncan and Hon Adele Farina.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON NICK GRIFFITHS**  
President of the Legislative Council