

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 158

WEDNESDAY, 19 SEPTEMBER 2007

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### 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. Message from His Excellency the Governor - Assent to Election of Senators Amendment Act 2007

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill -

**4 September 2007 - Message No. 27**

**Act No.**

Election of Senators Amendment Bill 2007

20 of 2007

### 3. Petitions

Hon Giz Watson presented a petition, by delivery to the Acting Clerk, [SO 130], from 79 residents of Western Australia in relation to cane toads in Western Australia, requesting the Legislative Council investigate and recommend short and long term strategies to prevent cane toads becoming established in Western Australia. (Tabled paper 3138).

Hon Giz Watson presented a petition from 9 residents of Western Australia in relation to development of foreshore land in Busselton, requesting the Legislative Council to investigate the government's redevelopment proposal for Busselton. (Tabled paper 3139).

Hon Ken Travers presented a petition from 84 residents of Western Australia in relation to universally accessible taxis - requesting the Legislative Council conduct an inquiry for people with disabilities. (Tabled paper 3137).

### 4. Leave of Absence - Hon Sally Talbot

The Leader of the House moved, without notice -

That leave of absence be granted to Hon Sally Talbot for five sitting days for the purpose of Personal Business.

Question - put and passed.

## 5. Building Industry Sustainability Index

Motion No. 47 having been called, debate resumed on the amendment of Hon Paul Llewellyn as follows -

To delete -

“

- (5) Explains why it wishes to add to the financial burden already being experienced by first-home buyers.

”

to the motion of Hon Ray Halligan as follows -

That this House insists that, before the Five Star Plus scheme is introduced as a regulatory regime in Western Australia, the Government -

- (1) Listens to the housing industry in Western Australia.
- (2) Provides an audited cost-benefit analysis of the proposed regime.
- (3) Includes in that analysis the additional costs to taxpayers to administer the scheme.
- (4) Identifies other regimes that have been examined and why Five Star Plus is preferred.
- (5) Explains why it wishes to add to the financial burden already being experienced by first-home buyers.

Amendment - put.

The House divided.

### Ayes (13)

Hon Shelley Archer  
Hon Matt Benson-Lidholm  
Hon Vincent Catania  
Hon Kim Chance  
Hon Sue Ellery  
Hon Adele Farina  
Hon Jon Ford

Hon Graham Giffard  
Hon Sheila Mills  
Hon Ljiljanna Ravlich  
Hon Ken Travers  
Hon Giz Watson  
Hon Ed Dermer (*Teller*)

### Noes (12)

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

Hon Ray Halligan  
Hon Barry House  
Hon Norman Moore  
Hon Helen Morton  
Hon Barbara Scott  
Hon Ken Baston (*Teller*)

Amendment thus agreed to.

On the question, That the motion, as amended, be agreed to - put and passed.

## 6. Wheat Export Authority

Motion No. 48 called.

## 7. Western Power Corporation and Mr Tony Iannello - Employment Agreement

Motion No. 51 called.

## **8. Commission on Government - Call for Establishment**

Motion No. 53 having been called, Hon Giz Watson moved, without notice -

That under SO 128, Motion No. 53, *Commission on Government - Call for Establishment*, be made a motion for the next sitting day.

Question - put and passed.

## **9. Kojarena Satellite Ground Station - Expanded Function**

Motion No. 54 having been called, Hon Giz Watson moved as follows -

That this House -

- (1) Notes that the Federal Government has announced an expanded function of the joint US spy satellite ground station at Kojarena near Geraldton.
- (2) Notes that this expanded function will coordinate US military operations in the Middle East and Asia, making this the most significant military encroachment into Australia since signing of the Pine Gap Treaty of 1966.
- (3) Condemns the Federal Government for committing to this expanded function without consulting with the people of Western Australia, the City of Geraldton and the Premier.

Debate ensued.

## **10. Questions Without Notice**

Questions without notice were taken.

The Minister for Local Government tabled an answer in tabular form in relation to a list of names of members of advisory bodies and if any of these people received payments, under the Minister for Local Government's portfolio, in response to question on notice No. 5025 asked by Hon Helen Morton. (Tabled paper 3140).

The Minister for Local Government representing the Minister for Heritage tabled an answer in tabular form in relation to a list of names of members of advisory bodies and if any of these people received payments, under the Minister for Heritage's portfolio, in response to question on notice No. 5058 asked by Hon Helen Morton. (Tabled paper 3141).

The Acting Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 4998 asked by Hon Helen Morton will be provided by 16 October 2007.

The Acting Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 5013 asked by Hon Norman Moore will be provided by 17 October 2007.

The Minister for Fisheries tabled an answer in tabular form in relation to a list of names of members of advisory bodies and if any of these people received payments, under the Minister for Fisheries' portfolio, in response to question on notice No. 5033 asked by Hon Helen Morton. (Tabled paper 3142).

The Minister for Regional Development tabled an answer in tabular form in relation to a list of names of members of advisory bodies and if any of these people received payments, under the Minister for Regional Development's portfolio, in response to question on notice No. 5032 asked by Hon Helen Morton. (Tabled paper 3143).

The Minister for the Kimberley, Pilbara and Gascoyne tabled an answer in tabular form in relation to a list of names of members of advisory bodies and if any of these people received payments, under the Minister for the Kimberley, Pilbara and Gascoyne's portfolio, in response to question on notice No. 5034 asked by Hon Helen Morton. (Tabled paper 3144).

The Minister for Child Protection tabled an answer in tabular form in relation to a list of names of members of advisory bodies and if any of these people received payments, under the Minister for Child Protection's portfolio, in response to question on notice No. 5035 asked by Hon Helen Morton. (Tabled paper 3145).

The Parliamentary Secretary representing the Minister for Culture and the Arts tabled an answer in tabular form in relation to a list of names of members of advisory bodies and if any of these people received payments, under the Minister for Culture and the Arts' portfolio, in response to question on notice No. 5063 asked by Hon Helen Morton. (Tabled paper 3146).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure on behalf of the Parliamentary Secretary representing the Minister for the Environment tabled an answer in tabular form in relation to a list of names of members of advisory bodies and if any of these people received payments, under the Minister for the Environment's portfolio, in response to question on notice No. 5073 asked by Hon Helen Morton. (Tabled paper 3147).

### **11. Kojarena Satellite Ground Station - Expanded Function**

Debate resumed on the motion of Hon Giz Watson (cf item 9 above).

Debate interrupted.

### **12. Order of Business**

Ordered - That Order of the Day No. 456, *Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2007 - Disallowance*, and Order of the Day No. 457, *Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2007 - Disallowance* be taken after Order of the Day No. 244, *Dental Bill 2005*. (Minister for Local Government).

### **13. Fiona Stanley Hospital Construction Account Bill 2007**

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

Debate resumed.

Question - put and passed.

Bill read a second time.

The Acting President left the Chair.

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### **In Committee**

(Hon Ken Travers in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2 agreed to.

Clause 3.

Debate ensued.

Clause agreed to.

Clause 4.

Debate ensued.

Hon George Cash moved -

Page 2, line 20, after the word "hospital" - To insert the words -

“ including purchase of relevant land ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 5 and 6 agreed to.

Title.

Debate ensued.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported with amendment.

Leave was granted to proceed forthwith through all remaining stages of the Bill at this day's sitting.

The Minister for Local Government moved, That the report be adopted.

Question - put and passed.

The Minister for Local Government moved, That the Bill be now read a third time.

The Deputy President having reported that the Deputy Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

#### **14. Order of Business**

Ordered - That Order of the Day No. 476, *Standing Committee on Estimates and Financial Operations, Ninth Report - Interim Report of the Balga Works Inquiry: Request for a Member of the Legislative Assembly to appear before the Committee*, be taken forthwith. (Leader of the House).

#### **15. Standing Committee on Estimates and Financial Operations, Ninth Report - Interim Report of the Balga Works Inquiry: Request for a Member of the Legislative Assembly to appear before the Committee**

The Order of the Day having been called, the Leader of the House moved -

That the Committee's recommendation be agreed to, as follows -

The Committee recommends that the Legislative Council requests the Legislative Assembly grant leave to Mr Trevor Sprigg MLA, to give evidence before the Standing Committee on Estimates and Financial Operations appointed to inquire into the Memorandum of Understanding between Balga Senior High School and Manufacturing Industry Training Services Pty Ltd, if he thinks fit.

Debate ensued.

Question - put and passed.

#### **16. State Superannuation Amendment Bill 2007**

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

The Deputy President left the Chair.

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#### **In Committee**

(Hon Ray Halligan in the Chair)

Clause 16, as amended.

Debate resumed.

Hon George Cash moved -

Page 28, after line 25 — To insert —

“

- (4) The Treasurer is to cause a copy of —
- (a) the transfer order; and
  - (b) the actuarial certificate referred to in subsection (2); and
  - (c) any other actuarial advice received by the Treasurer in relation to the assets and liabilities to be assigned by operation of section 58; and
  - (d) the order made under subsection (1),
- to be laid before each House of Parliament or dealt with under section 78 within 3 working days after the order made under subsection (1) is published in the *Gazette*.

”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 17 to 40 agreed to.

Clause 41.

Debate ensued.

Clause agreed to.

Clauses 42 to 49 agreed to.

Clause 50.

Debate ensued.

Clause agreed to.

Clauses 51 to 62 agreed to.

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

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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.

## **17. Criminal Code Amendment (Drink and Food Spiking) Bill 2007**

The Deputy President reported the receipt of Message No. 246 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.

**18. Biosecurity and Agriculture Management Bill 2006**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 247

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Biosecurity and Agriculture Management Bill 2006*.

Mrs Judy Hughes MLA

Acting Speaker

Legislative Assembly Chamber

Perth, 19 September 2007

**19. Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 248

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006*.

Mrs Judy Hughes

Acting Speaker

Legislative Assembly Chamber

Perth, 19 September 2007

**20. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.20pm until Thursday, 20 September 2007 at 11.00am.

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

Attendance: Present all Members except Hon Murray Criddle, Hon Bruce Donaldson, Hon Kate Doust, Hon Paul Llewellyn, Hon Robyn McSweeney and Hon Louise Pratt.

Member granted leave: Hon Sally Talbot.

**MALCOLM PEACOCK**  
Acting Clerk of the Legislative Council

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