

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 148

TUESDAY, 14 AUGUST 2007

1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

The Deputy President, Hon George Cash, took the Chair and read prayers.

2. Messages from His Excellency the Governor - Assent to Bills

The Deputy President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills -

25 June 2007 - Message No. 19	Act No.
Local Government Amendment Bill (No. 2) 2006	9 of 2007
29 June 2007 - Message No. 20	Act No.
Chemistry Centre (WA) Bill 2006	10 of 2007
Local Government (Miscellaneous Provisions) Amendment Bill 2005	11 of 2007
29 June 2007 - Message No. 21	Act No.
Revenue Laws Amendment (Taxation) Bill 2007	12 of 2007
Revenue Laws Amendment (Assessment) Bill 2007	13 of 2007
29 June 2007 - Message No. 22	Act No.
Appropriation (Consolidated Account) Bill (No. 1) 2007	14 of 2007
Appropriation (Consolidated Account) Bill (No. 2) 2007	15 of 2007
Appropriation (Consolidated Fund) Bill (No. 3) 2005	16 of 2007
Appropriation (Consolidated Fund) Bill (No. 4) 2005	17 of 2007
3 July 2007 - Message No. 23	Act No.
Western Australian College of Teaching Amendment Bill 2007	18 of 2007
Child Care Services Bill 2007	19 of 2007

3. Statement by Deputy President - Hon Brian Ellis - Election

The Deputy President made the following Statement -

Honourable Members

I advise the House that on 16 July 2007 Mr Brian Charles Ellis was elected as a Member of the Agricultural Region, to fill the vacancy created by the resignation of Hon Margaret Rowe MLC. He was sworn in as a Member of the Legislative Council for the 37th Parliament, by the

President in this chamber on 19 July 2007 and today takes his seat for the first time. I welcome the Honourable Mr Brian Ellis.

4. Statement by Deputy President - Clerk of the Legislative Council and Clerk of the Parliaments

The Deputy President made the following Statement -

Honourable Members

I inform the House that Ms Mia Betjeman, has tendered her resignation from the position of Clerk of the Legislative Council and Clerk of the Parliaments to His Excellency the Governor with effect from 7 September 2007 due to private and personal reasons. The notice period will enable the Clerk to work with the Department to plan for and ensure resources for the continued functioning of the Legislative Council. I convey the Clerk's message that it has been an honour and a privilege for her to serve the Legislative Council for over 9 years, commencing March 1998 as an Advisory Officer, and most recently as Clerk of the Legislative Council and Clerk of the Parliaments. She hopes to serve Parliament again in the future.

5. Statement by Deputy President - Clerk Assistant (House) of the Legislative Council

The Deputy President made the following Statement -

I inform the House that Mr Nigel Pratt, formerly Clerk Assistant (House), resigned from the Legislative Council effective close of business Friday, 27 July 2007. Nigel first commenced in the Legislative Council in March 1999 starting out as an Advisory Officer at the Legislative Council Committee Office, becoming Clerk Assistant in 2002. Nigel has advised committees and the chamber with dedication and professionalism recognised by Members of Parliament from all sides of the political spectrum. Nigel intends to continue to serve the institution of Parliament as Deputy Clerk in the Legislative Council at the Parliament of Tasmania. We wish him the best in his new role.

6. Statement by Deputy President - Acting Clerk Assistant (House) of the Legislative Council

The Deputy President made the following Statement -

Honourable Members

I advise the House that consequent upon the recent resignations within the Department, recruitment processes are occurring for the positions of Clerk of the Legislative Council and Clerk Assistant (House). Pending the outcome of those recruitment processes I advise that from and including today, 14 August 2007, Mr Nigel Lake (currently Clerk Assistant, Legislative Assembly) has been seconded to the Council as Acting Clerk Assistant (House). Nigel has in excess of 18 years parliamentary experience commencing in 1989 with the (then) Joint House Committee, before moving across to the Legislative Council ending as Committee Clerk in 1994. Nigel has served with the Legislative Assembly since 1995 and is currently Clerk Assistant (Procedure) in the Legislative Assembly.

I welcome Nigel.

7. Petition

Hon Giz Watson presented a petition, by delivery to the Clerk, [SO 130], from 1 400 residents of Western Australia to maintain Western Australia as a Genetically Modified (GM) Free Zone. (Tabled paper 2946).

8. Papers

The following Papers were laid on the Table by -

Deputy President

Financial Statements -

Members of Parliament (Financial Interest) Act 1992 - Primary Return 2924

Reports -

Inspector of Custodial Services - Thematic Review of Custodial Transport Services in Western Australia (Report No. 43) (May 2007) (Deemed Tabled 27/07/2007) 2925

Inspector of Custodial Services - Report of an Announced Inspection of Greenough Regional Prison (Report No. 44) (May 2007) (Deemed Tabled 02/08/2007) 2926

Leader of the House

Reports -

Forest Products Commission - Strategic Development Plan (2007/08 - 2011/12) (November 2006) (Date received 11/07/2007) 2927

Forest Products Commission - Statement of Corporate Intent 2007-2008 (November 2006) (Date received 11/07/2007) 2928

Horizon Power - Statement of Corporate Intent 2008 2929

Perth International Centre for Application of Solar Energy (CASE) - Final Report (30 October 2006) 2930

Synergy - Statement of Corporate Intent 2007-2008 2931

Verve Energy - Statement of Corporate Intent 2007-2008 2932

Western Power - Statement of Corporate Intent 2007-2008 2933

Minister for Local Government

Annual Reports -

Land Surveyors Licensing Board (Year ending 31 December 2006) (Date received 06/07/2007) 2934

Reports -

Landgate - Statement of Corporate Intent 2007-2008 2935

Minister for Child Protection

Annual Reports -

Council of the Pharmaceutical Society (Year ended 31 December 2006) (Date received 01/08/2007) 2936

Osteopaths Registration Board (Year ending 30th June 2005) (Date received 11/07/2007) 2937

Osteopaths Registration Board (Year ending 30th June 2006) (Date received 11/07/2007) 2938

Notices -

Copy of the Government Gazette approving the Code of Practice Prevention and Management of Violence, Aggression and Bullying at Work under the Mines Safety and Inspection Act 1984 (Date received 06/07/07) 2939

Reports -

Code of Practice - Prevention and Management of Violence, Aggression and Bullying at Work (Date received 06/07/07) 2940

Parliamentary Secretary representing the Deputy Premier

Reports -

Economic Regulation - Final Report - Authority Inquiry on School Bus Operators',
Charter Bus Operations (05 July 2007) 2941

Parliamentary Secretary representing the Minister for Planning and Infrastructure

Ministerial Approvals -

East Perth Redevelopment Act 1991 - Sale of land with value in excess of \$1 million -
Northbridge - Sale of Lot 402 Aberdeen Street 2942

East Perth Redevelopment Act 1991 - Sale of land with value in excess of \$1 million -
Northbridge - Lot 128 Serich Lane 2943

East Perth Redevelopment Act 1991 - Sale of land with value in excess of \$1 million -
Northbridge - Sale of Lot 371 Newcastle Street 2944

Midland Redevelopment Act 1999 - Disposal of Lot 8030, Clayton Street Midland, to
Primewest No. 152 Pty Ltd as Trustee for the Clayton Street Unit Trust 2945

**9. Standing Committee on Legislation - Criminal Law and Evidence Amendment Bill 2006
- Extension of Reporting Time**

Hon Graham Giffard presented a Report of the Standing Committee on Legislation in relation to the *Criminal Law and Evidence Amendment Bill 2006* seeking an extension of time from Thursday, 16 August 2007 to Thursday, 30 August 2007. (Tabled paper 2947).

Hon Graham Giffard moved, That the Report do lie upon the Table and be adopted and agreed to.

Question - put and passed.

10. Joint Standing Committee on the Corruption and Crime Commission - Twenty-Eighth Report - Parliamentary Inspector's Investigation and Review of the Acts and Proceedings of the Corruption and Crime Commission Concerning Mr John D'Orazio

Hon Ken Travers presented the Twenty-Eighth Report of the Joint Standing Committee on Delegated Legislation in relation to the Parliamentary Inspector's Investigation and Review of the Acts and Proceedings of the Corruption and Crime Commission Concerning Mr John D'Orazio. (Tabled paper 2948).

Hon Ken Travers moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

11. Joint Standing Committee on the Corruption and Crime Commission - Twenty-Ninth Report - Legislative and Procedural Matters Arising from the Parliamentary Inspector's Investigation and Review of the Acts and Proceedings of the Corruption and Crime Commission Concerning Mr John D'Orazio

Hon Ken Travers presented the Twenty-Ninth Report of the Joint Standing Committee on the Corruption and Crime Commission in relation to the Legislative and Procedural Matters Arising from the Parliamentary Inspector's Investigation and Review of the Acts and Proceedings of the Corruption and Crime Commission Concerning Mr John D'Orazio. (Tabled paper 2949).

Hon Ken Travers moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

12. Standing Committee on Estimates and Financial Operations - Special Report - A Matter Arising from the 2006/07 Budget Estimates Hearings in Relation to the Western Australian Sports Centre Trust

Hon Giz Watson presented the Special Report of the Standing Committee on Estimates and Financial Operations in relation to a Matter Arising from the 2006/07 Budget Estimates Hearings in Relation to the Western Australian Sports Centre Trust. (Tabled paper 2950).

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

Question - put and passed.

13. Matter of Urgency - Genetically Modified Crops - Moratorium

The Deputy President read the following letter -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that the Council consider, as a matter of urgency the Carpenter Government's refusal to lift the ban on genetically modified crops in light of compelling evidence that the technology is safe, it is accepted by a growing majority of consumers and its continuation is disadvantaging Western Australia in a competitive market.

Yours sincerely

Hon Barry House

Member for the South West Region

Four members having risen in support.

Hon Barry House moved the motion.

Debate ensued.

The Minister for Agriculture and Food, by leave, tabled documents in relation to Canola Domestic Price Comparisons Grafts and news release from Agriculture and Agri-Food Canada. (Tabled paper No. 2951).

Debate resumed.

Motion lapsed.

14. Local Government (Miscellaneous Provisions) Amendment Bill 2005

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 232

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Local Government (Miscellaneous Provisions) Amendment Bill 2005*.

Hon F. Riebeling

Speaker

Legislative Assembly Chamber

Perth, 20 June 2007

15. Order of Business

Ordered - That Order of the Day No. 417, *Supreme Court Amendment Rules 2007 - Disallowance*, and No. 418, *Tobacco Products Control Amendment Regulations 2007 - Disallowance*, be taken after Order of the Day No. 300, *Sunset Hospital Site Bill 2006* and that Order of the Day No. 362, *Acts Amendment (Consent to Medical Treatment) Bill 2006* be taken after Order of the Day No. 411, *Taxi Amendment Bill 2007*. (Leader of the House).

16. Order of Business

Ordered - That Order of the Day No. 16, *Casino (Burswood Island) Agreement Amendment Bill 2007*, be now taken. (Leader of the House).

17. Casino (Burswood Island) Agreement Amendment Bill 2007

The Leader of the House pursuant to notice, moved -

That a Bill for "An Act to amend the *Casino (Burswood Island) Agreement Act 1985*" be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Racing and Gaming moved, That the Bill be now read a second time.

Debate stands adjourned.

18. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2007-2008

The Order of the Day having been read for the adjourned debate on the motion of the Parliamentary Secretary representing the Treasurer, That the Consolidated Fund Estimates 2007-2008 be noted.

Debate resumed.

19. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection representing the Minister for Health tabled, and by leave incorporated into Hansard, an answer in relation to details of sexually transmitted infections and regions for aboriginal children under the age of fourteen years, in response to a question without notice asked by Hon Robyn McSweeney. (Tabled paper 2953).

The Minister for Local Government representing Minister for Education and Training tabled, and by leave incorporated into Hansard, an answer in relation to details relating to syllabus documents to be introduced into Western Australian schools in 2008, in response to a question without notice asked by Hon Peter Collier. (Tabled paper 2954).

The Minister for Local Government representing the Minister for Education and Training tabled, and by leave incorporated into Hansard, an answer in relation to details relating to Government Schools (Primary) and students in the Augusta, Margaret River Area, in response to a question without notice asked by Hon Barry House. (Tabled paper 2955).

The Leader of the House tabled a letter in relation to Dr Stephen van der Mye regarding the resignation of Dr van der Mye, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 2956).

The Leader of the House representing the Premier tabled an answer correction regarding Balga Works Programme, in response to question on notice No. 4928 asked by Hon Peter Collier. (Tabled paper 2957).

The Leader of the House representing the Premier tabled an answer in relation to outline of costs for work associated with Brendan Hammonds work in Broome, in response to question on notice No. 4942 asked by Hon Giz Watson. (Tabled paper 2958).

The Minister for Local Government representing the Minister for Housing and Works tabled an answer in table format in relation to details of percent for Art Programs, Art Projects 2003-2007, in response to question on notice No. 4983 asked by Hon Barbara Scott. (Tabled paper 2959).

The Minister for Local Government representing the Minister for Education and Training tabled a list of Boards of Management, Members and total remuneration under the Minister for Education and Training's portfolio, in response to question on notice No. 4833 asked by Hon Helen Morton. (Tabled paper 2960).

The Minister for Child Protection representing the Minister for Employment Protection tabled a file note from G. Simpson to J. Boucaut/A. Atri regarding a noise complaint, in response to question on notice No. 4924 asked by Hon Giz Watson. (Tabled paper 2961).

The Parliamentary Secretary representing the Minister for State Development tabled four e-mails in regards to the Mitchell Plateau Project, in response to question on notice No. 4956 asked by Hon Giz Watson. (Tabled paper 2962).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled a list of Boards of Management, Members and total remuneration under the Minister for Planning and Infrastructure's portfolio, in response to question on notice No. 4828 asked by Hon Helen Morton. (Tabled paper 2963).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled documents in relation to the Perth Convention and Exhibition Centre Project Agreement Centre and Car Parks, in response to question on notice No. 4756 asked by Hon Norman Moore. (Tabled paper 2964).

The Parliamentary Secretary representing the Minister for the Environment tabled documents in relation to the EPA gifts register, in response to question on notice No. 4971 asked by Hon Giz Watson. (Tabled paper 2965).

20. Paper

The Minister for Local Government, by leave, tabled the *Western Australian College of Teaching (Elections) Regulations 2007*. (Tabled paper No. 2952).

21. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2007-2008

Debate resumed on the motion, That the Consolidated Fund Estimates 2007-2008 be noted (cf item No. 18 above).

Question - put and passed.

22. Taxi Amendment Bill 2007

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

Debate ensued.

On the motion of Parliamentary Secretary representing the Minister for Planning and Infrastructure the debate was adjourned to the next sitting.

23. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.06pm until Wednesday, 15 August 2007 at 4.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jon Ford, Hon Nick Griffiths and Hon Sheila Mills.

MIA BETJEMAN
Clerk of the Legislative Council

HON GEORGE CASH
Deputy President of the Legislative Council