

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 152

WEDNESDAY, 29 AUGUST 2007

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. Petitions

Hon Ray Halligan presented a petition from 57 residents of Western Australia requesting the Legislative Council support the upgrading of Wanneroo Road between the Pinjar Road intersection and Joondalup Drive. (Tabled paper 3075).

Hon Ray Halligan presented a petition from 220 residents of Western Australia requesting the Legislative Council support the retention of the Road Reserves on the eastern side of the Mitchell Freeway and adjoining Whitfords Avenue as open space. (Tabled paper 3076).

3. Ministerial Statement - Horse Industries - Equine Influenza

The Minister for Agriculture and Food made a Ministerial Statement with respect to the resumption of Western Australia's horse industry activities.

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

4. Ministerial Statement - Dry Season Assistance Scheme

The Minister for Agriculture and Food made a Ministerial Statement with respect to the Dry Season Assistance Scheme 2007.

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

5. Papers

The following Papers were laid on the Table by -

Leader of the House

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Chemistry Centre (WA) Act 2007 (Chemistry Centre (WA) Regulations 2007 G.G. 27/07/2007)..... 3031

Gene Technology Act 2006 (Gene Technology Regulations 2007 G.G. 27/07/2007)..... 3032

Minister for Local Government*Local Laws -*

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Dog Act 1976 (Shire of Menzies - Dogs Local Law 2007 G.G. 06/07/2007)	3034
Local Government Act 1995 (Shire of Dowerin Refuse Disposal Facilities Local Law 2007 G.G. 03/07/2007, Shire of Menzies - Activities in Thoroughfares and Public Places Local Law 2007 G.G. 06/07/2007, Shire of Menzies - Urban Environment and Nuisance Local Law 2007 G.G. 06/07/2007, Shire of Goomalling Extractive Industries Local Law 2007 G.G. 16/07/2007, Shire of Goomalling Refuse Disposal Facilities Local Law 2007 G.G. 16/07/2007, Shire of Goomalling Local Government Property Local Law 2007 G.G. 16/07/2007, Shire of Goomalling Repeal Local Law 2007 G.G. 16/07/2007, and Shire of Goomalling Local Law Relating to Fencing 2007 G.G. 16/07/2007).....	3035
Local Government Act 1995 (Shire of Esperance - Private Property Amendment Local Law 2007 G.G. 03/08/2007, City of Fremantle - Library Advisory Committee Amendment Local Law 2007 G.G. 10/08/2007, City of Bunbury - Amendment Local Law Relating to Advertising Devices 2007 G.G. 10/08/2007, and City of Bunbury - Private Property Amendment Local Law 2007 G.G. 10/08/2007)	3036

Regulations -

Local Government Act 1995 (Local Government (Elections) Amendment Regulations 2007 G.G. 03/08/2007).....	3037
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Rules -

Lotteries Commission Act 1990 (Lotteries Commission (Powerball) Amendment Rules (No. 2) 2007 G.G. 03/08/2007)	3038
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Statutes -

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Minister for Local Government on behalf of the Minister for Regional Development*Local Laws -*

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Management Plans -

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Orders -

Fish Resources Management Act 1994 (Prohibition on Fishing (Heirisson Island) Order 2007 G.G. 06/07/2007, Prawn Fishing Restrictions (Notice No. 549) Amendment Order 2007 G.G. 06/07/2007, and Prohibition on Fishing for Crabs (Peel Inlet and Harvey Estuary) Order 2007 G.G. 06/07/2007)	3043
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Prostitution Act 2000 (Prostitution (Restraining Orders) Amendment Regulations 2007 G.G. 31/07/2007).....	3046

Minister for Child Protection*Local Laws -*

Health Act 1911 (City of Swan Health Amendment Local Law 2007 G.G. 27/07/2007, Shire of Goomalling Health Local Laws 2007 G.G. 16/07/2007, and Shire of Northampton Health Local Laws 2007 G.G. 16/07/2007)	3047
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Child Care Services Act 2007 (Children and Community Services (Child Care) Amendment Regulations 2007 G.G. 07/08/2007, Children and Community Services (Family Day Care) Amendment Regulations 2007 G.G. 07/08/2007, Children and Community Services (Outside School Hours Care) Amendment Regulations 2007 G.G. 07/08/2007, Children and Community Services (Outside School Hours Family Day Care) Amendment Regulations 2007 G.G. 07/08/2007, and Child Care Services Regulations 2007 G.G. 07/08/2007)	3049
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Parliamentary Secretary representing the Deputy Premier*Regulations -*

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State Trading Concerns Act 1916 (State Trading Concerns (Authorisation) Amendment Regulations 2007 G.G. 13/07/2007)	3066

**Parliamentary Secretary representing the Minister for the Environment on behalf of the
Parliamentary Secretary representing the Minister for Planning and Infrastructure**

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Real Estate and Business Agents Act 1978 (Real Estate and Business Agents (General) Amendment Regulations (No. 4) 2007 G.G. 24/07/2007) 3071

Residential Parks (Long-stay Tenants) Act 2006 (Residential Parks (Long-stay Tenants) Regulations 2007 G.G. 01/08/2007) 3072

Residential Tenancies Act 1987 (Residential Tenancies Amendment Regulations (No. 2) 2007 G.G. 31/07/2007) 3073

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6. Select Committee of Privilege in Relation to a Matter of Privilege Arising in the Standing Committee on Estimates and Financial Operations - Special Report - Extension of Reporting Time

Hon Murray Criddle presented a Special Report of the Select Committee of Privilege in Relation to a Matter of Privilege Arising in the Standing Committee on Estimates and Financial Operations seeking an extension of time from 30 August 2007 to 15 November 2007. (Tabled paper 3077).

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

Question - put and passed.

7. Home Ownership Affordability

Motion No. 46 having been read, debate resumed on the amendment, as amended, of Hon Louise Pratt as follows -

- (1) By deleting “condemns the Government for the undue anxiety created for the many first home buyers through its inability in a timely manner to” and insert instead -
“ calls on the Government to ”
- (2) To delete paragraph (3) and insert instead -
“
- (3) Continue to meet its commitments to -
 - (a) increase social housing stock;
 - (b) encourage and enable home ownership;
 - (c) improve housing sustainability and energy efficiency;
 - (d) alleviate pressure on private sector rents through measures such as the lifting of letting fees;
 - (e) targeted loan schemes included shared equity housing loans;

- (f) improve access to affordable quality housing for Aboriginal Western Australians; and
- (g) introduce new measures in the State Budget to address housing affordability.

”

to the motion of Hon Ray Halligan as follows -

That this House condemns the Government for the undue anxiety created for the many first home buyers through its inability in a timely manner to -

- (1) Help reduce the cost pressures on residential land.
- (2) Help reduce the supply and cost pressures associated with skilled labour.
- (3) Meet its election commitments to -
 - (a) address housing affordability;
 - (b) increase social housing stock; and
 - (c) encourage and enable home ownership.

On the question, That the Amendment, as amended, be agreed to - put.

The House divided.

Ayes (12)

Hon Matt Benson-Lidholm
 Hon Vincent Catania
 Hon Kim Chance
 Hon Kate Doust
 Hon Sue Ellery
 Hon Graham Giffard

Hon Sheila Mills
 Hon Louise Pratt
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Ed Dermer (*Teller*)

Noes (13)

Hon George Cash
 Hon Peter Collier
 Hon Murray Criddle
 Hon Donna Faragher
 Hon Nigel Hallett
 Hon Ray Halligan
 Hon Barry House

Hon Robyn McSweeney
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Barbara Scott
 Hon Ken Baston (*Teller*)

Question thus negatived.

On the question, That the Motion be agreed to - put and passed.

8. Building Industry Sustainability Index

Motion No. 47 having been called, Hon Ray Halligan pursuant to notice, moved -

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.

9. Questions Without Notice

Questions without notice were taken.

The Leader of the House on behalf of the Minister for Regional Development representing the Minister for Police and Emergency Services tabled, and by leave incorporated into Hansard, parts 3 and 4 of an answer in relation to details of police districts that have United Kingdom training graduates and how many graduates are stationed in each of the districts, in response to a question without notice asked by Hon George Cash. (Tabled paper 3078).

10. Building Industry Sustainability Index

Hon Ray Halligan continued his introductory remarks on the motion (cf item 8 above).

Interruption of Debate [SO 195].

11. Liquor Licensing Amendment Regulations 2007 - Disallowance

The Order of the Day having been called, Hon Ray Halligan moved, without notice -

That *Liquor Licensing Amendment Regulations 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

12. Order of Business

Ordered - That Orders of the Day Nos 456, *Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2007 - Disallowance* and 457, *Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2007 - Disallowance*, be taken after Order of the Day No. 300, *Sunset Hospital Site Bill 2006*. (Leader of the House).

13. Fiona Stanley Hospital Construction Bill 2007

The Deputy President reported the receipt of Message No. 237 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.

14. Order of Business

Ordered - That Bill for Introduction No. 17, *Seeds Amendment Bill 2007*, be taken forthwith. (Leader of the House).

15. Seeds Amendment Bill 2007

The Minister for Agriculture and Food pursuant to notice, moved -

That a Bill for "An Act to amend the *Seeds Act 1981*" be introduced and read a first time.

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

16. Acts Amendment (Consent to Medical Treatment) Bill 2006

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

Debate resumed.

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

17. Order of Business

Ordered - That Orders of the Day Nos 336, *Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006* and 337, *Biosecurity and Agriculture Management Rates and Charges Bill 2006*, be taken before Order of the Day No. 280, *Water Resources Legislation Amendment Bill 2006*. (Leader of the House).

18. Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006 and Biosecurity and Agriculture Management Rates and Charges Bill 2006

The Orders of the Day for the consideration of these Bills, in Committee, having been read.

The Acting President left the Chair.

In Committee

(Hon Graham Giffard in the Chair)

Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

The Minister for Agriculture and Food moved -

Page 6, after line 3 — To insert —

“

- (6) Regulations made under subsection (4) in relation to a matter referred to in subsection (5)(a) or (c) must be made within such period as is reasonably and practicably necessary to deal with a transitional matter that arises as a result of the enactment of this Act or the BAM Act.

”

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 5.

The Minister for Agriculture and Food moved -

Page 7, after line 4 — To insert —

“

- (6) Regulations made under subsection (1) in relation to a matter referred to in subsection (2) must be made within such period as is reasonably and practicably necessary to deal with a transitional matter that arises as a result of the enactment of this Act or the BAM Act.

”

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 6 to 11 agreed to.

Clause 12.

The Minister for Agriculture and Food moved -

Page 9, after line 19 — To insert —

“

“**Authority**” means the Western Australian Agriculture Authority established under the *Biosecurity and Agriculture Management Act 2006*;

”.

Amendment - put and passed.

The Minister for Agriculture and Food moved -

Page 9, lines 25 to 27 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Committee resolved to consider Clauses 13 and 14 together.

Clauses 13 and 14.

The Minister for Agriculture and Food moved -

Page 10, line 3 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Page 10, line 8 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Page 10, line 11 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Page 10, line 17 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Page 10, line 19 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Amendments - put and passed.

Clauses 13 and 14, as amended, agreed to.

Clause 15.

The Minister for Agriculture and Food moved -

Page 10, lines 25 and 26 — To delete “performing the Ministerial Body’s functions under”.

Amendment - put and passed.

The Minister for Agriculture and Food moved -

Page 10, line 30 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 16.

The Minister for Agriculture and Food moved -

Page 11, lines 2 to 5 — To delete the lines and insert instead —

“

(1) On the commencement day any intellectual property, or right to apply for, hold, receive, exploit or dispose of intellectual property, that the State has immediately before that day is, by operation of this section, assigned to the Authority.

(2) In subsection (1) —

“intellectual property” means intellectual property created in the performance of functions under the repealed Act.

”.

Debate ensued.

Amendment - put and passed.

The Minister for Agriculture and Food moved -

Page 11, line 6 — To delete “Ministerial Body” and insert instead —

“ Minister ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 17.

The Minister for Agriculture and Food moved -

Page 11, line 16 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Page 11, line 21 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 18 to 35 agreed to.

Clause 36.

The Minister for Agriculture and Food moved -

Page 17, line 6 — To delete “*Administration and Audit Act 1985*” and insert instead —

“ *Management Act 2006* ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 37 agreed to.

Clause 38.

The Minister for Agriculture and Food moved -

Page 19, lines 9 to 16 — To delete the lines.

Page 19, line 25 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Page 19, line 26 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Page 19, after line 28 — To insert the following —

“

(2) In this section —

“**Authority**” means the Western Australian Agriculture Authority established under the *Biosecurity and Agriculture Management Act 2006*.

”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 39 agreed to.

Clause 40.

The Minister for Agriculture and Food moved -

Page 20, after line 11 — To insert —

“

“**Authority**” means the Western Australian Agriculture Authority established under the *Biosecurity and Agriculture Management Act 2006*;

”.

Page 20, lines 19 to 21 — To delete the lines.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 41.

The Minister for Agriculture and Food moved -

Page 20, line 26 — To delete “Fund” and insert instead —

“ Account ”.

Page 21, line 1 — To delete “Fund” and insert instead —

“ Account ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 42.

The Minister for Agriculture and Food moved -

Page 21, lines 7 and 8 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Page 21, line 11 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Page 21, line 17 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Page 21, lines 18 and 19 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 43.

The Minister for Agriculture and Food moved -

Page 21, line 21 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Page 21, line 27 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Page 22, line 1 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 44 agreed to.

Clause 45.

Clause - put and negatived.

Clause 46.

The Minister for Agriculture and Food moved -

Page 23, line 20 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Page 23, line 24 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 47 to 58 agreed to.

Clause 59.

Debate ensued.

Clause agreed to.

Clauses 60 to 63 agreed to.

Clause 64.

The Minister for Agriculture and Food moved -

Page 28, after line 22 — To insert —

“

- (2) A person must not enter an orchard under subsection (1) unless —
 - (a) the person has taken reasonable steps to give the owner or occupier of the orchard notice of the intended entry; or
 - (b) the owner or occupier of the orchard consents to the entry.
- (3) The notice must specify the purpose for which the entry is required and successive entries for that purpose are to be regarded as entries to which the notice relates.

- (4) The notice must be given not less than 24 hours before the power of entry is exercised.

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 65 to 88 agreed to.

Clause 89.

The Minister for Agriculture and Food moved -

Page 41, after line 21 —

“

“**Crown land**” means land other than —

- (a) land alienated from the Crown; or
- (b) land that the Crown has lawfully agreed to alienate; or
- (c) land held under a lease lawfully granted by the Crown;

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 90 to 96 agreed to.

Title agreed to.

Biosecurity and Agriculture Management Rates and Charges Bill 2006

Clauses 1 to 5 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006 reported with amendment. *Biosecurity and Agriculture Management Rates and Charges Bill 2006* reported without amendment.

Ordered - That consideration of the Committee’s Report be made an Order of the Day for the next sitting.

19. Order of Business

Ordered - That Order of the Day No. 458, *Election of Senators Amendment Bill 2007*, be taken before Order of the Day No. 280, *Water Resources Legislation Amendment Bill 2006*. (Leader of the House).

20. Election of Senators Amendment Bill 2007

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.

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1 agreed to.

Clause 2.

Debate ensued.

The Chairman of Committees left the Chair at 9.35pm

The Chairman of Committees resumed the Chair at 9.51pm.

Debate resumed.

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

Question - put and passed.

The Acting 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.

21. State Superannuation Amendment Bill 2007

The Deputy President reported the receipt of Message No. 236 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

22. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.34pm until Thursday at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Shelley Archer, Hon Adele Farina and Hon Jon Ford.

MIA BETJEMAN
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council