

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 145

TUESDAY, 26 JUNE 2007

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### 1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

The President, Hon Nick Griffiths, took the Chair and read prayers.

### 2. Statement by President - Appointment of Clerk Assistant (Committees)

The President made the following Statement -

Honourable Members, a selection process commenced in May this year to fill the vacant position of Clerk Assistant (Committees). I am delighted to announce that Mr Paul Grant has been appointed as Clerk Assistant (Committees) for the Legislative Council. Paul is well regarded for his high level of professionalism and brings with him 7 years of parliamentary experience as an Advisory Officer (Legal) to the Legislative Council Committee Office. I wish Paul all the best in his new role.

### 3. Statement by President - Hon Margaret Rowe - Apology

The President made the following Statement -

I advise the House that on Thursday 21 June 2007 I received the following letter from Hon Margaret Rowe MLC -

Dear Mr President

I have received from the Deputy Clerk an order to attend to answer a question of why I have been absent for more than six sitting days, I wish to formally apologize to the House for my lack of attendance.

Yours faithfully

Hon Margaret Rowe MLC

Member for the Agricultural Region

### 4. Statement by President - Hon Margaret Rowe - Resignation

The President made the following Statement -

I advise the House that on Friday 22 June 2007 I received the following letter from Hon Margaret Rowe MLC -

Dear Mr President

Due to ill health I have decided to resign as a Member of the Legislative Council as of today.

Yours faithfully

Hon Margaret Rowe MLC

Member for the Agricultural Region

## 5. Legislative Council - Vacancy

The Leader of the House moved, without notice -

That a vacancy in the membership of the Legislative Council is declared by reason of the resignation on Friday, 22 June 2007 of Ms Margaret-Anne Rowe, Member for the Agricultural Region.

Question - put and passed.

## 6. Petitions

Hon Simon O'Brien presented a petition from 54 residents of Western Australia requesting the Legislative Council to support residents and others affected by the Regional Resource Recovery Centre's Waste Composting Facility in Canning Vale and recommend to the Government that the South Metropolitan Regional Council relocate the facility away from any residential area. (Tabled paper 2835).

Hon Helen Morton presented a petition from 68 residents of Western Australia calling on the Legislative Council to oppose the establishment of clusters of 25 or more community supported residential units (CSRU) on hospital sites throughout Western Australia. (Tabled paper 2836).

Hon Giz Watson presented a petition from 3 513 residents of Western Australia requesting the Legislative Council to maintain Western Australia's status as a Genetically Modified Food (and product from GM Crops) free State in perpetuity. (Tabled paper 2837).

## 7. Standing Committee on Procedure and Privileges - Thirteenth Report - Absence of a Member - Hon Margaret Rowe MLC

The President presented the Thirteenth Report of the Standing Committee on Procedure and Privileges in relation to the Absence of a Member - Hon Margaret Rowe MLC. (Tabled paper 2828).

Hon George Cash moved, That the Report tabled by the President be printed and that the Recommendation be adopted and agreed to.

Debate ensued.

Question - put and passed.

## 8. Papers

The following Paper was laid on the Table by -

### Minister for Local Government

#### *Local Laws -*

Local Government Act 1995 (Shire of Broome - Parking and Use of Vehicles  
Amendment Local Law 2007 G.G. 08/06/2007 and Shire of Wiluna - Local  
Government Property and Dogs Local Law 2007 G.G. 05/06/2007)..... 2829

Cemeteries Act 1986 (Shire of Wiluna - Cemetery Local Law 2007 G.G. 05/06/2007) ... 2830

#### *Regulations -*

State Superannuation Act 2000 (State Superannuation Amendment Regulations (No.  
3) 2007 G.G. 06/06/2007) ..... 2831

### Minister for Child Protection

#### *By-laws -*

Hospitals and Health Services Act 1927 (Osborne Park Hospital By-laws 2007 G.G.  
05/06/2007 and WA Country Health Service By-laws 2007 G.G. 05/06/2007) ... 2832

#### *Local Laws -*

Health Act 1911 (Shire of Cuballing Health Local Laws 2007 G.G. 05/06/2007) ..... 2833

**Parliamentary Secretary representing the Minister for Planning and Infrastructure**

*Regulations -*

Planning and Development Act 2005 (Town Planning (Local Government Planning Fees) Amendment Regulations 2007 G.G. 08/06/2007) ..... 2834

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

Hon Graham Giffard presented a Special Report of the Standing Committee on Legislation in relation to the *Criminal Law and Evidence Amendment Bill 2006* seeking an extension of time from Tuesday, 7 August 2007 to Thursday, 16 August 2007. (Tabled paper 2839).

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

Question - put and passed.

**10. Standing Committee on Legislation - Eighth Report - Trans-Tasman Mutual Recognition (Western Australia) Bill 2005**

Hon Graham Giffard presented the Eighth Report of the Standing Committee on Legislation in relation to the *Trans-Tasman Mutual Recognition (Western Australia) Bill 2005*. (Tabled paper 2838).

Hon Graham Giffard 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-Seventh Report - Hearing with the Parliamentary Inspector of the Corruption and Crime Commission on 9 May 2007**

Hon Ray Halligan presented the Twenty-Seventh Report of the Joint Standing Committee on the Corruption and Crime Commission in relation to the Hearing with the Parliamentary Inspector of the Corruption and Crime Commission on 9 May 2007. (Tabled paper 2840).

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

Question - put and passed.

**12. Select Committee into Public Obstetrics Services - Special Report - Extension of Reporting Time**

Hon Helen Morton presented a Special Report of the Select Committee into Public Obstetrics Services seeking an extension of time from Thursday, 28 June 2007 to Thursday, 30 August 2007. (Tabled paper 2841).

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

Question - put and passed.

**13. Finance Brokers Control (General) Amendment Regulations (No. 3) 2007 - Disallowance**

Hon Ray Halligan: To move on the next day of sitting -

That the *Finance Brokers Control (General) Amendment Regulations (No. 3) 2007* published in the *Gazette* on 20 April 2007 and tabled in the Legislative Council on 3 May 2007 under the *Finance Brokers Control Act 1975*, be and are hereby disallowed.

**14. Matter of Urgency - Vehicle Licensing Operations**

The 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 chaotic approach to vehicle licensing operations, reflected in the mixed messages being sent to the Motor Trades Industry and the public over the outsourcing of inspection services.

Yours sincerely

Hon Simon O'Brien

Member for South Metropolitan Region

Four members having risen in support.

Hon Simon O'Brien moved the motion.

Debate ensued.

*Point of Order*

The Minister for Local Government raised the following Point of Order -

I ask that the comment " the Minister is an idiot " be withdrawn. It is inflammatory and certainly not pleasant.

Hon Simon O'Brien withdrew the remark.

Debate resumed.

Motion lapsed.

**15. Select Committee on Memorandum of Understanding Between Balga Senior High School and Manufacturing Industry Training Services Pty Ltd - Establishment**

Motion No. 58 having been read, debate resumed on the motion of Hon Peter Collier as follows -

That -

- (1) A select committee of three members is appointed, any two of whom constitute a quorum.
- (2) The committee is to inquire into and report on -
  - (a) the circumstances surrounding the signing of the Memorandum of Understanding between Balga Senior High School and Manufacturing Industry Training Services Pty Ltd on 14 February 2005 for the establishment of the Balga Works Programme;
  - (b) the knowledge and involvement of Government Ministers, officers of the Department of Education and Training and officers of all other government and Ministerial offices in the circumstances surrounding the signing of the Memorandum of Understanding as referred to in (a);
  - (c) the circumstances surrounding the replacement of the Manufacturing Industry Training Services Pty Ltd with Herson Pty Ltd as the operators of the Balga Works Programme in 2005;
  - (d) the knowledge and involvement of Government Ministers, officers of the Department of Education and Training and officers of all other government Ministerial officers in the circumstances surrounding the operation of the Balga Works Programme 2004-2007;
  - (e) the circumstances surrounding the payment and non-payment of former employees of the Balga Works Programme;
  - (f) the circumstances surrounding the funding of accommodation for young people provided under the Balga Works Programme at Nottingham Street, Joondalup by the Department of Community Development 2004-2007; and
  - (g) such other relevant matters as the committee considers appropriate.
- (3) The committee has the power to send for persons, papers and records and the power to travel.
- (4) The committee may present interim reports without a requirement for leave.
- (5) The committee is to report to the house no later than Thursday, 6 December 2007.

*Interruption of Debate [SO 195].*

## 16. Order of Business

The Leader of the House moved -

That Order of the Day No. 403, *Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2007-2008*, 438, *Revenue Laws Amendment (Taxation) Bill 2007*, 439, *Revenue Laws Amendment (Assessment) Bill 2007*, 436, *Appropriation (Consolidated Account) Bill (No. 1) 2007*, 437, *Appropriation (Consolidated Account) Bill (No. 2) 2007*, be taken in that order before Order of the Day No. 395, *Metropolitan Region Scheme Amendment No. 1027/33 - Whiteman Park and Environs - Disallowance*.

Debate ensued.

Hon Norman Moore, by leave, made a personal explanation.

Question - put and passed.

## 17. 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, as follows -

That the Consolidated Fund Estimates 2007-2008 be noted

Debate resumed.

## 18. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection tabled, and by leave incorporated into Hansard, documents in relation to birth parent's wishes regarding the adoption plan, your wishes regarding an adoptive family, in response to a question without notice asked by Hon Robyn McSweeney. (Tabled paper 2842).

The Minister for Child Protection representing the Minister for Health tabled documents in relation to details regarding the amount of extra funding allocated in the 2007-08 budget to pilot the deliberate self-harm risk assessment tool, in response to a question without notice asked by Hon Helen Morton. (Tabled paper 2843).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled details relating to Reserve Nos 46963 and 18325, in response to a question without notice asked by Hon George Cash. (Tabled paper 2844).

The Minister for Child Protection representing the Attorney General tabled, and by leave incorporated into Hansard, a letter from the Minister for Health to Mr Ken Petit SC to conduct and investigation in relation to Dr Neale Fong, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 2845).

The Minister for Regional Development representing Minister for Community Safety tabled, and by leave incorporated into Hansard, details relating to the *Surveillance Devices Act 1998* preventing the use of overt optical surveillance devices, in response to a question without notice asked by Hon George Cash. (Tabled paper 2846).

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, Freehills, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 2847).

The Minister for Child Protection representing the Attorney General tabled details of infringement notices, referrals and total penalty value referred to the Fines Enforcement Registry, in response to a question without notice asked by Hon Simon O'Brien. (Tabled paper 2848).

The Minister for Agriculture and Food tabled a list of boards of management, members and total remuneration under the Minister for Agriculture and Food's portfolios, in response to question on notice No. 4789 asked by Hon Helen Morton. (Tabled paper 2849).

The Minister for the Kimberley, Pilbara and Gascoyne tabled a list of boards of management, members and total remuneration under the Minister for the Kimberley, Pilbara and Gascoyne's portfolios, in response to question on notice No. 4802 asked by Hon Helen Morton. (Tabled paper 2850).

The Minister for Child Protection tabled a list of boards of management, members and total remuneration under the Minister for Child Protection's portfolios, in response to question on notice No. 4803 asked by Hon Helen Morton. (Tabled paper 2851).

The Parliamentary Secretary representing the Minister for the Environment tabled a list of boards of management, members and total remuneration under the Minister for the Environment's portfolios, in response to question on notice No. 4841 asked by Hon Helen Morton. (Tabled paper 2852).

The Parliamentary Secretary representing the Minister for the Environment tabled documents in relation to a draft indicative management plan for the proposed Dampier Archipelago/Cape Preston Marine Conservation Reserves, in response to question on notice No. 4853 asked by Hon Giz Watson. (Tabled paper 2853).

The Parliamentary Secretary representing the Minister for the Environment tabled documents in relation to details of Mr Hodge's work, Final Report - A Review of Educational Behavioural Change within the Department of Environment (DoE), in response to question on notice No. 4917 asked by Hon Peter Collier. (Tabled paper 2854).

The Leader of the House representing the Minister for Energy in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 4835 asked by Hon Helen Morton will be provided by 28 June 2007.

The Minister for Local Government representing the Minister for Education and Training in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 4833 asked by Hon Helen Morton will be provided by 14 August 2007.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 4784 asked by Hon Paul Llewellyn will be provided by 14 August 2007.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 4828 asked by Hon Helen Morton will be provided by 14 August 2007.

## **19. Ministerial Statement - Questions Addressed to the Minister for Planning and Infrastructure**

The Leader of the House, by leave, made a Ministerial Statement in relation to a concern raised by Hon Norman Moore regarding the non-answer of questions without notice by the Minister for Planning and Infrastructure.

Hon Norman Moore, by leave, responded.

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

## **20. 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 17 above).

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

## **21. Order of Business**

Ordered - That Order of the Day No. 395, *Metropolitan Region Scheme Amendment No. 1027/33 - Whiteman Park and Environs - Disallowance*, be now taken. (Leader of the House).

**22. Metropolitan Region Scheme Amendment No. 1027/33 - Whiteman Park and Environs - Disallowance**

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Giz Watson -

That the *Metropolitan Region Scheme Amendment No. 1027/33 - Whiteman Park and Environs* published in the *Gazette* on 30 March 2007 and tabled in the Legislative Council on 4 April 2007 under the *Planning and Development Act 2005*, be and is hereby disallowed. (Tabled paper Nos. 2606A-C and 2607).

Debate ensued.

Question - put.

The House divided.

**Ayes (14)**

Hon George Cash  
Hon Peter Collier  
Hon Murray Criddle  
Hon Donna Faragher  
Hon Anthony Fels  
Hon Ray Halligan  
Hon Barry House

Hon Paul Llewellyn  
Hon Robyn McSweeney  
Hon Norman Moore  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Giz Watson  
Hon Bruce Donaldson (*Teller*)

**Noes (12)**

Hon Shelley Archer  
Hon Matt Benson-Lidholm  
Hon Kim Chance  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina

Hon Graham Giffard  
Hon Louise Pratt  
Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Ken Travers  
Hon Ed Dermer (*Teller*)

Question thus passed.

**23. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.32pm until Wednesday, 27 June 2007 at 4.00pm.

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

Attendance: Present all Members except Hon Vincent Catania.

**MIA BETJEMAN**

Clerk of the Legislative Council

**HON NICK GRIFFITHS**

President of the Legislative Council