

WESTERN AUSTRALIA

## LEGISLATIVE COUNCIL

### MINUTES OF PROCEEDINGS

No. 134

TUESDAY, 8 MAY 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. Papers

The following Papers were laid on the Table by -

##### **President**

###### *Reports -*

Public Sector Standards Commissioner, Office of the [OPSSC] - The principle of integrity in official conduct (Report No. Four) (May 2007) ..... 2663

##### **Leader of the House**

###### *Reports -*

Forest Products Commission (Half-Year Report) (for the six months to 31 December 2006) (Date received 07/05/2007) ..... 2664

Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business for the three months ended 31 March 2006 ..... 2665

Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business for the three months ended 30 June 2006 ..... 2666

##### **Minister for Child Protection**

###### *Reviews -*

Hospitals and Health Services Act 1927 - Report on the Statutory Review ..... 2667

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

###### *Leases -*

Calm Lease No.2089/100 - Between CALM and Yanchep Golf Club Inc. - Portion of Reserve 9868 - PT Yanchep National Park..... 2668

Calm Lease No. 2231/100 - Between CALM and Telstra Corporation Limited - Portion of Reserve No. A 47880 - Within Mundaring National Park ..... 2669

**Parliamentary Secretary representing the Minister for the Environment**

*Response to Reports -*

Standing Committee on Environment and Public Affairs - A Petition into the  
Proposed Marina at Point Peron (Minister for the Environment) ..... 2670

**3. Standing Committee on Environment and Public Affairs - Ninth Report - Annual Report 2006**

Hon Louise Pratt presented the Ninth Report of the Standing Committee on Environment and Public Affairs in relation to the Annual Report 2006. (Tabled paper 2671).

Hon Louise Pratt moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

**4. Standing Committee on Estimates and Financial Operations - Special Report - Substitution of Committee Meeting day**

Hon Giz Watson presented the Special Report of the Standing Committee on Estimates and Financial Operations in relation to the resolution of the committee to meet on sitting Mondays in substitution to sitting Wednesdays pursuant to SO 302B. (Tabled paper 2672).

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

Question - put and passed.

**5. Electricity Networks Access Code Amendments (No. 2) 2006 - Disallowance**

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

That the *Electricity Networks Access Code Amendments (No. 2) 2006* published in the *Gazette* on 8 December 2006 and tabled in the Legislative Council on 22 March 2007 under the *Electricity Industry Act 2004*, be and are hereby disallowed.

**6. Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978 - Variation Agreement - Disallowance**

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

That the Variation Agreement dated 28 March 2007 to the *Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978* tabled in the Legislative Council on 1 May 2007 under the *Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978*, be and is hereby disallowed.

**7. Matter of Urgency -Taxation - Carpenter Government**

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 intention to levy higher charges on households for a range of basic services, despite the extraordinary levels of over-taxation that have been imposed in recent years.

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.

The Parliamentary Secretary representing the Deputy Premier, by leave, tabled a document in relation to Policy for Setting Tariffs, Fees and Charges - Clarification and Consumer Price Index details of Growth Figures. (Tabled paper 1673).

Debate resumed.

Motion lapsed.

### **8. Leave of Absence - Hon Shelley Archer**

Hon Ed Dermer moved, by leave and without notice -

That leave of absence be granted to Hon Shelley Archer for 1 sitting day due to parliamentary business.

Question - put and passed.

### **9. Order of Business**

Ordered - That Orders of the Day Nos 379, *Clauses 3 and 10 of the Fish Resources Management Amendment Regulations (No. 8) 2006 - Disallowance*, 380, *Environmental Protection (Regional Power Stations Noise Emissions) Exemption Order 2006 - Disallowance* and 395, *Metropolitan Region Scheme Amendment No. 1027/33 - Whiteman Park and Environs - Disallowance*, be taken after Order of the Day No. 300, *Sunset Hospital Site Bill 2006*. (Leader of the House).

### **10. Local Government (Miscellaneous Provisions) Amendment Bill 2005**

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Leader of the House moved, That the report be adopted.

Question - put and passed.

Ordered - That the third reading of the Bill be made an Order of the Day for the next sitting.

### **11. Road Traffic Amendment (Drugs) Bill 2006**

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

The President left the Chair.

### **In Committee**

(Hon George Cash in the Chair)

Clause 6.

Debate resumed.

Clause agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8.

The Hon Peter Collier on behalf of Hon Donna Faragher, moved -

Page 9, after line 13 — To insert —

“

(1) After section 66(1) the following subsection is inserted —

“

(1aaa) A member of the Police Force requiring a sample of breath or blood for a preliminary test under subsection (1) must, where —

(a) the necessary equipment to perform a preliminary oral fluid test; and

- (b) a member of the Police Force who is trained to conduct a preliminary oral fluid test,

are available, require the driver or person in charge of a motor vehicle, or if the member of the Police Force has reasonable grounds to believe the person was the driver or person in charge of a motor vehicle, to undergo a preliminary oral fluid test in accordance with the requirements of section 66C.

”  
”

Debate ensued.

## 12. Questions Without Notice

Questions without notice were taken.

The Minister for Regional Development on behalf of the Minister for Child Protection representing the Minister for Employment Protection tabled documents in relation to an advertisement for the position of Fair Employment Advocate and a Determination Variation made under the *Salary and Allowances Act 1975*, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 2674).

The Minister for Regional Development representing the Minister for Community Safety tabled documents in relation to a Report of the Repeat Drink Driving Working Group, November 2003, in response to a question without notice asked by Hon Giz Watson. (Tabled paper 2675).

The Minister for Regional Development on behalf of the Minister for Child Protection representing the Minister for Employment Protection tabled documents in relation to a table of March 2007 - Contacts - South Metropolitan Area Health Service and North Metropolitan Area Mental Health Certificate Contact Report, in response to a question without notice asked by Hon Helen Morton. (Tabled paper 2676).

## 13. Road Traffic Amendment (Drugs) Bill 2006

Debate resumed in Committee on this Bill (cf. item 11 above).

The President left the Chair.

### In Committee

(Hon George Cash in the Chair)

Clause 8.

Debate resumed on the amendment moved by Hon Peter Collier on behalf of Hon Donna Faragher as follows -

Page 9, after line 13 — To insert —

“

- (1) After section 66(1) the following subsection is inserted —

“

(1aaa) A member of the Police Force requiring a sample of breath or blood for a preliminary test under subsection (1) must, where —

- (a) the necessary equipment to perform a preliminary oral fluid test; and
- (b) a member of the Police Force who is trained to conduct a preliminary oral fluid test,

are available, require the driver or person in charge of a motor vehicle, or if the member of the Police Force has reasonable grounds to believe the person was the driver or person in charge of a motor vehicle, to undergo a preliminary oral fluid test in accordance with the requirements of section 66C.

”  
.  
”  
.

Amendment - put.

The Committee divided.

#### Ayes (13)

Hon George Cash  
Hon Peter Collier  
Hon Murray Criddle  
Hon Anthony Fels  
Hon Nigel Hallett  
Hon Ray Halligan  
Hon Robyn McSweeney

Hon Norman Moore  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Margaret Rowe  
Hon Barbara Scott  
Hon Bruce Donaldson (*Teller*)

#### Noes (14)

Hon Vincent Catania  
Hon Kim Chance  
Hon Kate Doust  
Hon Adele Farina  
Hon Jon Ford  
Hon Graham Giffard  
Hon Paul Llewellyn

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

Amendment thus negatived.

Clause stands as printed.

Clause 9 agreed to.

Clauses 10 to 15 agreed to.

Clause 16.

Debate ensued.

Clause agreed to.

Clause 17 agreed to.

Clause 18.

Debate ensued.

Clause agreed to.

Clauses 19 and 20 agreed to.

Clause 21.

Debate ensued.

Clause agreed to.

Clauses 22 to 23 agreed to.

Title agreed to.

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The Acting President resumed the Chair.

Bill reported without amendment.

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

**14. Biosecurity and Agriculture Management Bill 2006, 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 having been read for the adjourned debate on the second reading of these Bills.

Debate resumed.

Question - put and passed.

Bills read a second time.

The Deputy President left the Chair.

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**In Committee**

(Hon George Cash in the Chair)

***Biosecurity and Agriculture Management Bill 2006***

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2 agreed to.

Clause 3.

The Minister for Agriculture and Food moved -

Page 2, after line 22 — To insert —

“  
(c) the *Environmental Protection Act 1986*;

”.

Debate ensued.

Amendment - put and passed.

The Minister for Agriculture and Food moved -

Page 3, line 1 — To delete “If” and insert instead —

“ Except as provided in section 39(3), if ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 4 agreed to.

Clause 5.

The Minister for Agriculture and Food moved -

Page 4, after line 20 — To insert —

“  
“**Authority**” means the Western Australian Agriculture Authority established under  
section 150;

”.

Page 4, before line 21 — To insert —

“  
**“biosecurity”** means protection from the adverse effect an organism has or may have on —  
 (a) another organism; or  
 (b) a human being; or  
 (c) the environment, or part of the environment; or  
 (d) agricultural activities, fishing or pearling activities, or related commercial  
     activities carried on, or intended to be carried on, in the State or part of the  
     State;  
 ”.

Page 9, after line 12 — To insert —

“  
**“Land Titles Register”** means the Register as defined in the  
*Transfer of Land Act 1893*;  
 ”.

Debate ensued.

Amendments - put and passed.

The Minister for Agriculture and Food moved -

Page 9, lines 28 and 29 — To delete the lines.

Debate ensued.

Amendment - put and passed.

The Minister for Agriculture and Food moved -

Page 3, line 11 — To delete “and viticulture,” and insert instead -

“ , viticulture and the raising or supply of plants or animals, ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 6.

The Minister for Agriculture and Food moved -

Page 14, lines 20 and 21 — To delete “specified by the regulations” and insert instead —

“ prescribed ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clauses 9 and 10 agreed to.

Clause 11.

Debate ensued.

Clause agreed to.

Clause 12.

The Minister for Agriculture and Food moved -

Page 18, lines 26 and 27 — To delete “, other than a declaration relating to a fish,”.

Page 18, line 28 to page 19, line 1 — To delete the lines.

Page 19, line 2 — To delete “other”.

Page 19, lines 8 to 16 — To delete the lines.

Debate ensued.

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

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.

## **15. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.28pm until Wednesday, 9 May 2007 at 4.00pm.

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

Attendance: Present all Members except Hon Donna Faragher.

Members granted leave: Hon Shelley Archer and Hon Barry House

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

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