

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 138

WEDNESDAY, 30 MAY 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. Papers

The following Paper was laid on the Table by -

Parliamentary Secretary representing the Deputy Premier

Reports -

Western Australian Treasury Corporation Quarterly Report for the quarter ended
31 March 2007..... 2746

3. Governance and Administration in Western Australia

Motion No. 52 having been read, debate resumed on the motion of Hon Norman Moore as follows -

That this House expresses its grave concern at the significant deterioration in the governance and administration of the State of Western Australia resulting from a Government preoccupied with continued internal division and conflict, manipulated by outside influences and increasingly demonstrating serious signs of dysfunctionality, and calls on the Government to urgently address the issues raised by the Corruption and Crime Commission and refocus its attention on restoring public confidence in the capacity of the Government to govern for all West Australians without fear or favour.

4. 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 Health tabled, and by leave incorporated into Hansard, an answer in relation to a list of participants able to attend the Illicit Amphetamine Summit on 3 July 2007, in response to a question without notice asked by Hon Donna Faragher. (Tabled paper 2747).

The Leader of the House in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 4706 asked by Hon Norman Moore will be provided in due course.

The Leader of the House representing the Minister for Public Sector Management tabled an answer in table format in relation to details of Ministerial Office staffing as at 9 May 2007, in response to question on notice No. 4728 asked by Hon Anthony Fels. (Tabled paper 2748).

The Parliamentary Secretary representing the Minister for the Environment tabled documents in relation to the status of collections and treatment of used waste motor oil within the State, in response to question on notice No. 4717 asked by Hon Giz Watson. (Tabled paper 2749).

5. Governance and Administration in Western Australia

Debate resumed on the motion of Hon Norman Moore (cf item 3 above).

Interruption of Debate [SO 195].

6. 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, 395, Metropolitan Region Scheme Amendment No. 1027/33 - Whiteman Park and Environs - Disallowance, 401, Electricity Networks Access Code Amendments (No. 2) 2006 - Disallowance, 405, *City of Fremantle Parking Local Law 2006 - Disallowance* and 406, *Legal Practice Board Amendment Rules (No. 2) 2006 - Disallowance*, be taken after Order of the Day No. 300, *Sunset Hospital Site Bill 2006*.

(Leader of the House).

7. 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 for the further consideration of these Bills, in Committee, having been read.

The Acting President left the Chair.

In Committee

(Hon Ken Travers in the Chair)

Biosecurity and Agriculture Management Bill 2006

Clause 36.

Debate resumed on the amendment moved by the Minister for Agriculture and Food as follows -

Page 36, line 29 — To delete “specify circumstances” and insert instead —

“ prescribe circumstances relating to a matter of emergency or urgent need ”.

The Minister for Agriculture and Food moved that further consideration of Clause 36 be postponed until after reconsideration of Clause 28.

Question - put and passed.

The Minister for Agriculture and Food moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and passed.

The Deputy President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the Bills, made progress, and asked leave to sit again at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

8. Order of Business

The Leader of the House moved -

That Orders of the Day 335, *Biosecurity and Agriculture Management Bill 2006*, 336, *Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006* and 337, *Biosecurity and Agriculture Management Rates and Charges Bill 2006* be taken in committee, that Clause 28 be recommitted and that Clause 36 and the remaining clauses be considered.

Debate ensued.

Question - put and passed.

9. 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 Order of the Day for the further consideration of these Bills, in Committee, having been read.

The Deputy President left the Chair.

In Committee

(Hon Ken Travers in the Chair)

Biosecurity and Agriculture Management Bill 2006

Recommittal Clause 28.

Debate ensued.

Hon Bruce Donaldson moved -

Page 29, lines 27 to 30 — To delete the lines and insert instead —

“

- (2) If a Public Authority does not comply with a pest control notice the Director General shall within one month of the failure to comply, table before both Houses of Parliament a report which identifies the Public Authority and details the non-compliance that has occurred.

”.

Hon Bruce Donaldson, by leave, amended his amendment by deleting the word “control” and inserting instead -

“ exclusion ”

Debate ensued.

The Minister for Agriculture and Food moved that further consideration of Clause 28 be postponed until after consideration of Clause 194.

Question - put and passed.

Clause 36.

Debate resumed on the amendment moved by the Minister for Agriculture and Food as follows -

Page 36, line 29 — To delete “specify circumstances” and insert instead —

“ prescribe circumstances relating to a matter of emergency or urgent need ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 37.

Debate ensued.

Clause agreed to.

Clauses 38 to 43 agreed to.

Clause 44.

Debate ensued.

Hon Giz Watson moved -

Page 40, line 18 — To delete “Fisheries Minister” and insert instead —

“
the Minister for the Environment, the Minister for Fisheries and the
CALM Act Minister

”.

Debate ensued.

Amendment - put and negatived.

Clause stands as printed.

Clauses 45 to 47 agreed to.

Clause 48.

Debate ensued.

Clause 48 agreed to.

Clauses 49 and 50 agreed to.

Clause 51.

The Minister for Agriculture and Food moved -

Page 43, line 10 — To insert after “owner” —

“ or occupier ”.

Page 43, line 14 — To insert after “owner” —

“ or occupier ”.

Page 43, line 25 — To insert after “owner” —

“ or occupier ”.

Page 43, line 28 — To insert after “owner” —

“ or occupier ”.

Page 43, line 29 — To insert after “owner” —

“ or occupier ”.

Page 44, line 9 — To insert after “owner” —

“ or occupier ”.

Debate ensued.

Amendments - put and passed.

The Minister for Agriculture and Food moved -

Page 44, line 6 — To delete “memorial” and insert instead —

“ notification ”.

Page 44, lines 8 and 9 — To delete “notice of release in respect of the memorial is registered by the Registrar of Titles” and insert instead —

“ removal of notification is registered under that section ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 52 agreed to.

Clause 53 agreed to.

Clause 54.

The Minister for Agriculture and Food moved -

Page 45, line 2 — To delete “memorial” and insert instead —

“ notification ”.

Page 45, line 5 — To delete “memorial” and insert instead —

“ notification ”.

Page 45, lines 6 and 7 — To delete “notice of release in respect of the memorial” and insert instead —

“ removal of notification ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 55.

Debate ensued.

On the question, That the Clause stand as printed - put and negatived.

Clause 56.

Debate ensued.

Clause agreed to.

Clauses 57 to 73 agreed to.

Clause 74.

The Minister for Agriculture and Food moved -

Page 63, line 14 — To delete “specify circumstances” and insert instead —

“ prescribe circumstances relating to a matter of emergency or urgent need ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 75.

The Minister for Agriculture and Food moved -

Page 63, line 21 — To delete “specify circumstances” and insert instead —

“ prescribe circumstances relating to a matter of emergency or urgent need ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 76 agreed to.

Clause 77.

The Minister for Agriculture and Food moved -

Page 64, line 31 — To delete “or potential carrier” and insert instead —

“
, potential carrier, agricultural product, animal feed, fertiliser, chemical
product or other substance or thing
”.

Page 64, lines 31 and 32 — To delete “the organism or potential carrier” and insert instead —

“ it ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 78.

The Minister for Agriculture and Food moved -

Page 65, line 29 — To delete “specify circumstances” and insert instead —

“ prescribe circumstances relating to a matter of emergency or urgent need ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 79 agreed to.

Clause 80.

The Minister for Agriculture and Food moved -

Page 67, line 18 — To delete “specify circumstances” and insert instead —

“ prescribe circumstances relating to a matter of emergency or urgent need ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 81 and 82 agreed to.

Clause 83.

The Minister for Agriculture and Food moved -

Page 68, line 14 — To delete “specify circumstances” and insert instead —

“ prescribe circumstances relating to a matter of emergency or urgent need ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 84.

Debate ensued.

Clause agreed to.

Clause 85 agreed to.

Clause 86.

The Minister for Agriculture and Food moved -

Page 70, line 24 — To delete “specify circumstances” —

“ prescribe circumstances relating to a matter of emergency or urgent need ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 87 to 92 agreed to.

Clause 93.

The Minister for Agriculture and Food moved -

Page 73, line 4 — To delete “individual” and insert instead —

“ person ”.

Amendment - put and passed.

Debate ensued.

Clause, as amended, agreed to.

Clause 94.

The Minister for Agriculture and Food moved -

Page 73, after line 19 — To insert —

“

- (2) If the Director General is to take remedial action under section 37 or 87 or under the regulations, an inspector may exercise any of the powers specified in section 65(1)(b), (c), (d), (e) and (f) that are necessary or expedient for the purposes of taking the remedial action, as if the remedial action were an inspection purpose.

”.

Page 73, after line 21 — To insert —

“

- (a) the procedure for taking remedial action;

”.

Debate ensued.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 95.

The Minister for Agriculture and Food moved -

Page 74, lines 11 to 15 — To delete the lines.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 96.

Debate ensued.

Clause agreed to.

Clause 97.

The Minister for Agriculture and Food moved -

Page 75, lines 7 to 9 — To delete the lines.

Page 75, line 10 — To delete “may” and insert instead —

“ is to ”.

Page 75, line 11 — To delete “other”.

Page 75, lines 13 and 14 — To delete “notice of release from the charge and the notice” and insert instead —

“ withdrawal of the memorial and the withdrawal ”.

Page 75, lines 15 to 24 — To delete the lines.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 98.

The Minister for Agriculture and Food moved -

Page 75, line 29 — To delete “powers” and insert instead —

“ functions ”.

Page 76, line 4 — To delete “powers” and insert instead —

“ functions ”.

Page 76, line 10 — To delete “powers” and insert instead —

“ functions ”.

Amendments - put and passed.

The Minister for Agriculture and Food moved -

Page 76, after line 12 — To insert —

“

(4) The Director General must not exercise a power of sale in relation to land referred to in this section unless the Director General is satisfied that other reasonable means of recovering the amount charged on the land have been exhausted.

(5) The existence of a charge or registration of a memorial of a charge on land does not affect the Director General’s discretion to proceed for recovery of the unpaid amount in proceedings unrelated to the charge.

”.

Debate ensued.

Interruption of Debate [SO 61(c)].

10. Adjournment

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

Debate ensued.

Hon Peter Collier, by leave, tabled a document - Support for the New English Course, dated 23 March 2006. (Tabled paper 2750).

Debate resumed.

Question - put and passed.

The House adjourned at 10.37pm until Thursday, 31 May 2007 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Matt Benson-Lidholm, Hon Sue Ellery, Hon Simon O'Brien and Hon Margaret Rowe.

MALCOLM PEACOCK

Acting Clerk of the Legislative Council

HON NICK GRIFFITHS

President of the Legislative Council