

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 102

WEDNESDAY, 27 SEPTEMBER 2006

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### 1. Meeting of Council

The Council assembled at 2.00pm 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**

##### *Annual Reports -*

Corruption and Crime Commission (2005-2006) (Date received 27/09/2006).....	1930
Parliamentary Inspector of the Corruption and Crime Commission (2005-2006) (Date received 27/09/2006).....	1931

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

##### *Annual Reports -*

Agriculture Practices Board of Western Australia (2005-2006) (Date received 26/09/2006) ...	1932
Agriculture Produce Commission (2005-2006) (Date received 26/09/2006).....	1933
Agriculture Protection Board (2005-2006) (Date received 26/09/2006).....	1934
Grain Licensing Authority (2005-2006) (Date received 26/09/2006).....	1935
Mid West Development Commission (2005-2006) (Date received 26/09/2006).....	1936

#### **Minister for Education and Training**

##### *Annual Reports -*

State Supply Commission (2005-2006) (Date received 26/09/2006).....	1937
Treasury and Finance, Department of (2005-2006) (Date received 26/09/2006).....	1938

##### *Budget Papers and Related Papers -*

Treasury and Finance, Department of - Annual Report on State Finances (2005-2006) (Date received 27/09/2006) .....	1939
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*Reviews -*

Botanic Gardens and Parks Authority - Section 54 Review of effectiveness and the need for continuation of the functions of the Authority (October 2004) Final report 10 December 2004 ..... 1940

**Minister for Education and Training on behalf of the Minister for Local Government and Regional Development**

*Annual Reports -*

Fire and Emergency Services Authority of Western Australia (2005-2006) (Date received 26/09/2006) ..... 1941

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

*Annual Reports -*

Armadale Redevelopment Authority (2005-2006) (Date received 26/09/2006) ..... 1942

LandCorp (2005-2006) (Date received 26/09/2006) ..... 1943

Midland Redevelopment Authority (2005-2006) (Date received 26/09/2006) ..... 1944

**Parliamentary Secretary representing the Minister for Health**

*Annual Reports -*

Attorney General, Department of (2005-2006) (Date received 26/09/2006) ..... 1945

Occupational Therapists' Registration Board of Western Australia (2005-2006) (Date received 26/09/2006) ..... 1946

Western Australian Electoral Commission (2005-2006) (Date received 26/09/2006) ..... 1947

**3. Standing Committee on Uniform Legislation and Statutes Review - Fourteenth Report - Food Bill 2005**

Hon Simon O'Brien presented the Fourteenth Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Food Bill 2005*. (Tabled paper 1948).

Hon Simon O'Brien moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

**4. Finance Brokers Scandal**

Motion No. 42 having been read.

Debate resumed on the motion of Hon Anthony Fels as follows -

- (1) That this House express its concern -
  - (a) at the plight of those retirees and others who have been so badly affected by the Finance Brokers Scandal; and
  - (b) at the inordinate length of time that has passed, since the Government was elected, without there being any substantial satisfaction of the claims of those affected.
- (2) In particular, this House notes that -
  - (a) over 200 mainly elderly retirees affected by the Finance Brokers Scandal have died since 10 February 2001;
  - (b) seven finance brokers, borrowers and others, who were responsible for these losses, have been jailed and a number of others are presently before the Courts or under investigation;

- (c) the then Labor Opposition (prior to 10 February 2001) and the Labor Government appointed Royal Commission into the Finance Broking Industry both condemned the Finance Brokers Supervisory Board for being incompetent;
  - (d) the same total amount of loss of approximately \$130m remains outstanding in 2006 as was outstanding in February 2001; and
  - (e) many of the mainly elderly retirees have been effectively abandoned by this Government and consequentially condemned to a life of poverty or economic hardship.
- (3) That this House urges the Government to take a bi-partisan approach and honour the promise made to these mainly elderly retirees to facilitate a speedy and equitable mediation process to:
- (a) determine the merits or otherwise of the claims against the Finance Brokers Supervisory Board;
  - (b) determine whether the Finance Brokers Supervisory Board is liable for the losses; and
  - (c) determine a fair quantum for settlement of the claims, in the event that the Finance Brokers Supervisory Board is found to be liable.
- (4) This House urges the Government to lay down a time table for the mediation process and for it to pledge its full co-operation and commitment to fund the State Solicitor's Office to engage in and facilitate a speedy, transparent and meaningful mediation process.

Hon Bruce Donaldson moved to amend the motion by deleting at paragraph (2) the following subparagraph -

“

- (e) many of the mainly elderly retirees have been effectively abandoned by this Government and consequentially condemned to a life of poverty or economic hardship.

”.

Debate ensued.

Amendment - put and passed.

Debate ensued.

Motion, as amended, agreed to.

## **5. School Based Apprenticeships**

Motion No. 43 having been called, Hon Peter Collier, by leave, withdrew the motion standing in his name.

## **6. Greenhouse Gas Emissions Reduction**

Motion No. 44 having been called.

Hon Paul Llewellyn on behalf of Hon Giz Watson moved as follows -

That this House calls on the State Government to -

- (1) Develop binding targets for emissions reduction to set us on the path of achieving the cuts required to avoid dangerous threats to the climate.
- (2) Support these targets with funding and policy measures.
- (3) Maximise the economic opportunities available through innovation, and large scale investment programs aimed at greenhouse gas reduction.

*Interruption pursuant to Sessional Order.*

## 7. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 4153 asked by Hon Giz Watson will be provided on 17 October 2006.

The Leader of the House representing the Premier tabled an answer in table format in relation to staff employed in Ministerial offices as at 1 July 2006, in response to question on notice No. 4011 asked by Hon Ray Halligan. (Tabled paper 1949).

## 8. Consideration of Committee Reports and Ministerial Statements

Pursuant to Sessional Orders for the consideration of Committee Reports and Ministerial Statements.

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### In Committee

(Hon George Cash in the Chair)

#### **Standing Committee on Procedure and Privileges - Report No. 8 - Matters Referred to the Committee and Other Miscellaneous Matters - Committee Report**

The Order of the Day having been called.

The Leader of the House moved, That the Report be noted.

Question - put and passed.

#### **Reading School of the Year - Ministerial Statement**

The Order of the Day having been read, Hon Peter Collier continued his introductory remarks in moving that the Ministerial Statement be noted.

Debate ensued.

Question - put and passed.

#### **Standing Committee on Legislation - Report No. 2 - Annual Report 2005 - Committee Report**

The Order of the Day having been called.

Hon Graham Giffard moved, That the Report be noted.

Question - put and passed.

#### **Metropolitan Region Scheme Amendment 1071/33 - Fremantle-Rockingham Highway, South of Russell Road - Ministerial Statement and Tabled Papers**

The Order of the Day having been called.

Hon Simon O'Brien moved, That the Ministerial Statement and Tabled Papers be noted.

Question - put and passed.

#### **Joint Standing Committee on the Corruption and Crime Commission - Report No. 4 - Acting Parliamentary Inspector's Report in the Matter of an Allegation Concerning the Honourable John D'Orazio MLA - Committee Report**

The Order of the Day having been called.

Hon Ray Halligan moved, That the Report be noted.

Question - put and passed.

#### **Metropolitan Region Scheme Amendment 1081/33 - Lots 1608 and 1609 Lakey Street, Southern River - Ministerial Statement and Tabled Papers**

The Order of the Day called.

**Standing Committee on Environment and Public Affairs - Report No. 4 - Annual Report 2005 - Committee Report**

The Order of the Day having been called.

Hon Louise Pratt moved, That the Report be noted.

Question - put and passed.

**Metropolitan Region Scheme Amendment 1090/33 - Lake Karrinyup Country Club - Ministerial Statement and Tabled Papers**

The Order of the Day called.

**Joint Standing Committee on the Corruption and Crime Commission - Report No. 5 - Examination of the 2004-2005 Annual Report of the Corruption and Crime Commission - Committee Report**

The Order of the Day having been called.

Hon Ray Halligan moved, That the Report be noted.

*Interruption pursuant to Sessional Order.*

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The Acting President resumed the Chair.

The Chairman of Committees reported that the Committee of the Whole House had considered the -

- (1) Standing Committee on Procedure and Privileges - Eighth Report - Matters Referred to the Committee and Other Miscellaneous Matters and had noted same.
- (2) Reading School of the Year - Ministerial Statement and had noted same.
- (3) Standing Committee on Legislation - Second Report - Annual Report 2005 and had noted same.
- (4) Metropolitan Region Scheme Amendment 1071/33 - Fremantle-Rockingham Highway, South of Russell Road - Ministerial Statement and Tabled Papers and had noted same.
- (5) Joint Standing Committee on the Corruption and Crime Commission - Fourth Report - Acting Parliamentary Inspector's Report in the Matter of an Allegation Concerning the Honourable John D'Orazio MLA and had noted same.
- (6) Standing Committee on Environment and Public Affairs - Fourth Report - Annual Report 2005 and had noted same.
- (7) Joint Standing Committee on the Corruption and Crime Commission - Fifth Report - Examination of the 2004-2005 Annual Report of the Corruption and Crime Commission, made progress, and asked leave to sit again.

Report adopted.

**9. Mining Amendment Regulations (No. 6) 2006 - Disallowance**

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

That the *Mining Amendment Regulations (No. 6) 2006* published in the *Gazette* on 23 June 2006 and tabled in the Legislative Council on 29 June 2006 under the *Mining Act 1978*, be and are hereby disallowed. (Tabled paper 1641).

Debate ensued.

Question - put and negatived.

# 10. Swan and Canning Rivers Management Bill 2005

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 177

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Swan and Canning Rivers Management Bill 2005*.

Mrs D.J. Guise

Deputy Speaker

Legislative Assembly Chamber

Perth, 27 September 2006

# 11. Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2005

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 178

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2005*.

Mrs D.J. Guise

Deputy Speaker

Legislative Assembly Chamber

Perth, 27 September 2006

# 12. Order of Business

Ordered - That Order of the Day No. 308, *Land Administration (Land Management) Regulations 2006 - Disallowance*, be taken at a later stage of this day's sitting. (Leader of the House).

# 13. Select Committee into the Department for Community Development - Establishment

The Order of the Day having been read for the adjourned debate on the motion of Hon Robyn McSweeney as follows -

That -

- (1) A Committee of three Members is appointed, any two of whom constitute a quorum.
- (2) The Committee, and the proceedings of the Committee, are subject to Chapter XXII of Standing Orders and it is to be regarded for all purposes as a committee appointed under that Chapter.
- (3) The Committee is to enquire into and report on -
  - (a) the policies, procedures, actions and culture of the Department for Community Development (DCD) or any other person or relevant agency involved in the protection and welfare of children in Western Australia;
  - (b) the effectiveness of existing legislation, policies and procedures that are intended to provide for the protection of children. This shall include, but is not limited to, inter-departmental and agency co-operation and the legislation, policies and procedures of other departments and agencies as considered appropriate; and
  - (c) whether changes to the laws of the State, the policies and procedures of the DCD, and any other department or agency is desirable to provide for the more effective protection of children.
- (4) The Committee may present interim reports without a requirement for leave.
- (5) The Committee report to the House not later than 30 June 2007.

*Point of Order*

Leader of the House raised the following Point of Order -

I seek the advice of Mr Deputy President at a time convenient to him on the matters I have raised and, in particular, firstly, whether in relation to the issues raised there is a conflict between the Sessional Orders and the Standing Orders; secondly, if so, which prevails; thirdly, can a motion under Standing Order 128 direct the Leader of the House to list an item of business in any particular sequence or priority or merely to recognise that it is an Order of the Day; fourthly, if so, can that direction apply while the current Sessional Orders are in place, particularly clauses 4(5) and 5(1); and fifthly, as the Sessional Orders make specific provisions in relation to the sequence of the Orders of the Day and Standing Order 128 makes a general provision concerning the notice paper but not the business program, does the principle of specific overriding the general apply?

Debate resumed.

Hon Norman Moore moved to amend the motion as follows -

In Clause 1, line 1 - To delete “three” and insert “four” and to delete “two” and insert “three”

In Clause 3 - To delete paragraphs (a), (b) and (c) and insert the following -

“

- (a) the adequacy of relevant policies, procedures and organisational systems of the Department of Community Development relating to the circumstances surrounding the deaths of the 214 children between 2001-2006 whose families had contact with the Department of Community Development; and
- (b) the criteria used by the Department for Community Development when referring cases involving the deaths of children to the Child Death Review Committee.

”.

Debate ensued.

Amendment - put and passed.

Question, That the motion, as amended, be agreed to - put.

The House divided.

#### **Ayes (11)**

Hon Ken Baston  
Hon George Cash  
Hon Peter Collier  
Hon Donna Faragher  
Hon Nigel Hallett  
Hon Ray Halligan

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

#### **Noes (12)**

Hon Vincent Catania  
Hon Kim Chance  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
Hon Graham Giffard

Hon Paul Llewellyn  
Hon Sheila Mills  
Hon Louise Pratt  
Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Ed Dermer (*Teller*)

Motion, as amended, thus negated.

#### **14. Members' Statements**

Members' statements were taken.

**15. Adjournment**

The House adjourned at 10.05pm until Thursday, 28 September 2006 at 10.00am.

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

Attendance: Present all Members except Hon Shelley Archer, Hon Jon Ford, Hon Margaret Rowe and Hon Ken Travers.

**MIA BETJEMAN**  
Clerk of the Legislative Council

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