

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 136

THURSDAY, 10 MAY 2007

1. Meeting of Council

The Council assembled at 11.00am pursuant to order.

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

2. Petition

Hon Simon O'Brien presented a petition from 200 residents of Western Australia requesting the Legislative Council oppose the continuation of the three year daylight saving trial. (Tabled paper 2703).

3. Ministerial Statement - Report of the Inquiry into the City of South Perth 2006 - Inquiry under Division 1 Part 8 of the Local Government Act 1995, May 2007

The Leader of the House on behalf of the Minister for Local Government made a Ministerial Statement with respect to the Report of the Inquiry into the City of South Perth 2006.

The Leader of the House sought leave to move without notice that the Report of the Inquiry into the City of South Perth 2006 - Inquiry under Division 1 Part 8 of the *Local Government Act 1995* (May 2007) do lie upon the Table and be printed.

Leave granted.

The Leader of the House moved without notice -

That the Report of the Inquiry into the City of South Perth 2006 - Inquiry under Division 1 Part 8 of the *Local Government Act 1995* (May 2007) do lie upon the Table and be printed.

(Tabled paper 2704).

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

4. Papers

The following Papers were laid on the Table by -

Minister for Regional Development representing the Minister for Corrective Services

Reports -

Inspector of Custodial Services -Directed Review into an Incident at Rangeview
Juvenile Remand Centre and its Implications for Management and Reporting
(Report No.41) (April 2007) (Date received 09/05/2007)..... 2702

Parliamentary Secretary representing the Minister for Planning and Infrastructure

Orders -

Consumer Credit (Western Australia) Act 1996 - Draft Order (Consumer Credit (Western Australia) Code Amendment Order 2007)..... 2700

Proposals -

Land Administration Act 1997 - Excision of land from Class A Reserve 9997 to facilitate a land exchange between the City of Bunbury and the residents of Bunbury Town Lot 33 2701

5. Standing Committee on Environment and Public Affairs - Addendum to the Eighth Report - Local Government Amendment Bill (No 2) 2006

Hon Louise Pratt presented an Addendum to the Eighth Report of the Standing Committee on Environment and Public Affairs in relation to the *Local Government Amendment Bill (No 2) 2006*. (Tabled paper 2705).

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

Question - put and passed.

6. Standing Committee on Uniform Legislation and Statutes Review - Eighteenth Report - Consumer Credit (Queensland) and Another Act Amendment Bill 2007 (QLD)

Hon Simon O'Brien presented the Eighteenth Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Consumer Credit (Queensland) and Another Act Amendment Bill 2007 (QLD)*. (Tabled paper 2706).

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

Question - put and passed.

7. Standing Committee on Estimates and Financial Operations - Special Report - Advising of the 2007/08 Budget Estimates Hearings

Hon Giz Watson presented the Special Report of the Standing Committee on Estimates and Financial Operations in relation to advising of the 2007/08 Budget Estimates Hearings. (Tabled paper 2707).

Hon Giz Watson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

8. 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.

The Leader of the House sought leave of the House for the Minister for Local Government to continue her remarks at the next sitting.

Leave granted.

Debate resumed.

Interruption of Debate [SO 195].

9. Consideration of Committee Reports

Pursuant to Standing Orders for the consideration of Committee Reports.

In Committee

(Hon Louise Pratt in the Chair)

Select Committee on the Adequacy of Foster Care Assessment Procedures by the Department for Community Development - Committee Report

The Order of the Day having been read, Hon Bruce Donaldson moved, That further consideration be postponed until the next sitting.

Standing Committee on Estimates and Financial Operations - Fourth Report - Budget Estimates 2005/06 - Committee Report

The Order of the Day having been called, Hon Giz Watson moved, That the Report be noted.

Debate ensued.

Question - put and passed.

Standing Committee on Estimates and Financial Operations - Fifth Report - Hearings in Relation to Budget Estimates 2006/07 - Committee Report

The Order of the Day having been called, Hon Giz Watson moved, That the Report be noted.

Debate ensued.

Question - put and passed.

Joint Standing Committee on the Corruption and Crime Commission - Eleventh Report - Public Hearing Examining Outreach Programmes of the Corruption and Crime Commission - Committee Report

Hon Ray Halligan moved, That the Report be noted.

The Leader of the House moved, That progress be reported and leave asked to sit again.

Question - put and passed.

The Deputy President resumed the Chair.

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

- (1) Standing Committee on Estimates and Financial Operations - Fourth Report - Budget Estimates 2005/06 - Committee Report and had noted same.
- (2) Standing Committee on Estimates and Financial Operations - Fifth Report - Hearings in Relation to Budget Estimates 2006/07 - Committee Report and had noted same.
- (3) Joint Standing Committee on the Corruption and Crime Commission - Eleventh Report - Public Hearing Examining Outreach Programmes of the Corruption and Crime Commission - Committee Report, made progress, and asked leave to sit again.

Report adopted.

10. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2007-2008 - Tabling of Papers

The following Papers were laid on the Table by -

Parliamentary Secretary representing the Treasurer

Budget Papers and Related Papers -

2007-2008 Budget - Budget Speech - Budget Paper No. 1	2699
2007-2008 Budget - Budget Overview - Decisions for Our Future	2699
2007-2008 Budget - Reader's Guide to the 2006-2007 Budget Statements.....	2699
2007-2008 Budget - Economic and Fiscal Outlook - Budget Paper No. 3.....	2699
2007-2008 Budget - Budget Statements - Budget Paper No. 2 (Volume 1).....	2699
2007-2008 Budget - Budget Statements - Budget Paper No. 2 (Volume 2).....	2699
2007-2008 Budget - Budget Statements - Budget Paper No. 2 (Volume 3).....	2699
2007-2008 Budget - Compact Disk.....	2699

The Parliamentary Secretary representing the Treasurer moved, without notice -

That pursuant to Standing Order 49(1)(c) the Legislative Council take note of Tabled Paper 2699, laid upon the Table of the House on Thursday, 10 May 2007.

On the motion of Hon Ken Baston the debate was adjourned to the next sitting.

11. Ministerial Statement - Biofuels Taskforce

The Minister for Agriculture and Food, by leave, made a Ministerial Statement with respect to the WA Biofuels Taskforce.

Ordered - That consideration of the Ministerial Statement and Tabled paper be made an Order of the Day for the next sitting. (Tabled paper 2708).

12. 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).

13. Road Traffic Amendment (Drugs) Bill 2006

The Order of the Day having been read for the third reading of this Bill.

The Minister for Regional Development moved, That the Bill be now read a third time.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

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

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Biosecurity and Agriculture Management Bill 2006

Clause 12.

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

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.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 13 agreed to.

Clause 14.

Debate ensued.

Clause agreed to.

Clauses 15 to 20 agreed to.

Clause 21.

The Minister for Agriculture and Food moved -

Page 24, lines 6 and 7 — To delete “, other than a declaration relating to a fish,”.

Page 24, line 8 and 9 — To delete the lines.

Page 24, lines 16 to 24 — To delete the lines.

Debate ensued.

Amendments - put and passed.

Debate ensued.

Clause, as amended, agreed to.

Clause 22 agreed to.

Clause 23.

The Minister for Agriculture and Food moved -

Page 26, lines 10 and 11 — To delete the lines and insert instead —

“

(c) a potential carrier of an organism that is —

(i) a declared pest for the first-mentioned area; and

(ii) prescribed by the regulations or specified in the management plan.

”.

Page 26, lines 24 and 25 — To delete the lines and insert instead —

“

(c) a potential carrier of an organism that is —

(i) a declared pest for the area; and

(ii) prescribed by the regulations or specified in the management plan.

”.

Debate ensued.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 24 to 26 agreed to.

Clause 27.

The Minister for Agriculture and Food moved -

Page 29, 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 28.

The Minister for Agriculture and Food moved -

Page 29, lines 28 to 30 — To delete “may include, after consultation with the authority, a summary of the authority’s failure in the department’s next annual report” and insert instead —

“
, after consultation with the authority, must include in the department’s
next annual report a statement on the performance of the public authority
in relation to compliance with this Division
”.

Page 30, lines 1 to 6 — To delete the lines and insert instead —

“
(3) A statement under subsection (2) may include —
(a) any explanation offered by the authority in relation to its
compliance with this Division; and
(b) recommendations as to how compliance could be improved.
”.

Debate ensued.

15. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier tabled documents in relation to a signed Determination Variation of the Salaries and Allowances Tribunal, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 2709).

The Minister for Local Government representing the Minister for Education and Training tabled, and by leave incorporated into Hansard, an answer in relation to the number of teachers resigned/retired in 2004, 2005 and 2006, in response to a question without notice asked by Hon Peter Collier. (Tabled paper 2710).

The Parliamentary Secretary representing the Minister for Climate Change tabled documents in relation to Rendevouz Road groundwater results - Busselton landfill site - monitoring bore locations, in response to a question without notice asked by Hon Nigel Hallett. (Tabled paper 2711).

The Minister for Child Protection representing the Minister for Health tabled, and by leave incorporated into Hansard, an answer in relation to details of air travel undertaken by the Health Department Director General in response to a question without notice asked by Hon Ray Halligan. (Tabled paper 2712).

The Minister for Child Protection tabled documents in relation to copies of invoices made by the Department for Community Development to the Balga Parents and Citizens Association for the Balga Works program, in response to a question without notice asked by Hon Peter Collier. (Tabled paper 2714).

Debate resumed in committee on these Bills. (cf item 14 above).

The President left the Chair.

(Hon Ken Travers in the Chair)

Clause 28.

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

Page 29, lines 28 to 30 — To delete “may include, after consultation with the authority, a summary of the authority’s failure in the department’s next annual report” and insert instead —

“

, after consultation with the authority, must include in the department's next annual report a statement on the performance of the public authority in relation to compliance with this Division

”

Page 30, lines 1 to 6 — To delete the lines and insert instead —

“

(3) A statement under subsection (2) may include —

(a) any explanation offered by the authority in relation to its compliance with this Division; and

(b) recommendations as to how compliance could be improved.

“

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 29.

The Minister for Agriculture and Food moved -

Page 31, lines 10 to 12 — To delete “may include, after consultation with the authority, a summary of the authority’s failure in the department’s next annual report” and insert instead —

“

, after consultation with the authority, must include in the department's next annual report a statement on the performance of the public authority in relation to compliance with this Division

”

Page 31, lines 13 to 18 — To delete the lines and insert instead —

“

(8) A statement under subsection (7) may include —

- (a) any explanation offered by the authority in relation to its compliance with this Division; and
- (b) recommendations as to how compliance could be improved.

”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 30 agreed to.

Clause 31.

The Minister for Agriculture and Food moved -

Page 33, lines 28 to 30 — To delete “may include, after consultation with the authority, a summary of the authority’s failure in the department’s next annual report” and insert instead —

“

, after consultation with the authority, must include in the department’s next annual report a statement on the performance of the public authority in relation to compliance with this Division

”.

Page 34, lines 1 to 6 — To delete the lines and insert instead —

“

(3) A statement under subsection (2) may include —

- (a) any explanation offered by the authority in relation to its compliance with this Division; and
- (b) recommendations as to how compliance could be improved.

”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 32 to 35 agreed to.

Clause 36.

The Minister for Agriculture and Food moved -

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

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

Debate ensued.

The Leader of the House moved, That progress be reported and leave asked to sit again.

Question - put and passed.

The President resumed the Chair.

The Deputy 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.

17. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 29 May 2007.

Question - put and passed.

18. Adjournment

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

Question - put and passed.

The House adjourned at 4.51pm until Tuesday, 29 May 2007 at 3.30pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Donna Faragher and Hon Helen Morton.

Member granted leave: Hon Barry House.

MALCOLM PEACOCK

Acting Clerk of the Legislative Council

HON NICK GRIFFITHS

President of the Legislative Council