

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 139

THURSDAY, 31 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. Ministerial Statement - Adoption Act Legislative Review Committee Report

The Leader of the House on behalf of the Minister for Child Protection made a Ministerial Statement with respect to the Report of the Adoption Act Legislative Review Committee

The Leader of the House tabled the Review of the *Adoption Act 1994* (May 2007). (Tabled paper 2756).

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

3. Papers

The following Papers were laid on the Table by -

Leader of the House

Codes -

Public Sector Management Act 1994 (Western Australian Public Sector Code of Ethics
G.G. 08/05/2007)..... 2751

Minister for Local Government

Notices -

Energy Safety Act 2006 (Energy Safety Levy Notice 2007 G.G. 11/05/2007)..... 2752

Minister for Regional Development

Management Plans -

Fish Resources Management Act 1994 (West Coast Demersal Gillnet and Demersal Longline
Interim Managed Fishery Management Plan Amendment 2007 G.G. 11/05/2007) 2753

Regulations -

Retail Trading Hours Act 1987 (Retail Trading Hours Amendment Regulations 2007
G.G. 11/05/2007 and Retail Trading Hours (Tourism Precincts and Holiday Resorts)
Regulations 2007 G.G. 11/05/2007) 2754

Parliamentary Secretary representing the Deputy Premier on behalf of the Minister for Child Protection

Regulations -

Electoral Act 1907 (Electoral Amendment Regulations 2007 G.G. 11/05/2007)..... 2755

4. Standing Committee on Legislation - Trans-Tasman Mutual Recognition (Western Australia) Bill 2005 - Extension of Reporting Time

Hon Graham Giffard presented a Report of the Standing Committee on Legislation in relation to the *Trans-Tasman Mutual Recognition (Western Australia) Bill 2005* seeking an extension of time from Thursday, 7 June 2007 to Tuesday, 26 June 2007. (Tabled paper 2757).

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

Question - put and passed.

5. Health (Section 112(2) Prohibition) Regulations 2006 - Disallowance

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

That the *Health (Section 112(2) Prohibition) Regulations 2006* published in the *Gazette* on 12 December 2006 and tabled in the Legislative Council on 27 March 2007 under the *Health Act 1911*, be and are hereby disallowed.

6. Town of Victoria Park Signs Local Law 2006 - Disallowance

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

That the *Town of Victoria Park Signs Local Law 2006* published in the *Gazette* on 22 January 2007 and tabled in the Legislative Council on 27 March 2007 under the *Local Government Act 1995*, be and is hereby disallowed.

7. Supreme Court Amendment Rules 2007 - Disallowance

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

That the *Supreme Court Amendment Rules 2007* published in the *Gazette* on 21 February 2007 and tabled in the Legislative Council on 27 March 2007 under the *Supreme Court Act 1935*, be and are hereby disallowed.

8. Tobacco Products Control Amendment Regulations 2007 - Disallowance

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

That the *Tobacco Products Control Amendment Regulations 2007* published in the *Gazette* on 28 February 2007 and tabled in the Legislative Council on 27 March 2007 under the *Tobacco Products Control Act 2006*, be and are hereby disallowed.

9. Town of Vincent Parking Facilities Local Law - Amendment No. 1 2007 - Disallowance

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

That the *Town of Vincent Parking Facilities Local Law - Amendment No. 1 2007* published in the *Gazette* on 6 March 2007 and tabled in the Legislative Council on 27 March 2007 under the *Local Government Act 1995*, be and is hereby disallowed.

10. Mining Amendment Regulations 2007 - Disallowance

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

That the *Mining Amendment Regulations 2007* published in the *Gazette* on 9 March 2007 and tabled in the Legislative Council on 27 March 2007 under the *Mining Act 1978*, be and are hereby disallowed.

11. Edith Cowan University - Amending Statute No. 4 of 2006 - Disallowance

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

That the *Edith Cowan University - Amending Statute No. 4 of 2006* published in the *Gazette* on 16 March 2007 and tabled in the Legislative Council on 27 March 2007 under the *Edith Cowan University Act 1984*, be and is hereby disallowed.

12. Edith Cowan University - Amending Statute No 5 of 2006 - Disallowance

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

That the *Edith Cowan University - Amending Statute No 5 of 2006* published in the *Gazette* on 16 March 2007 and tabled in the Legislative Council on 27 March 2007 under the *Edith Cowan University Act 1984*, be and is hereby disallowed.

13. Edith Cowan University - Amending Statute No. 6 of 2006 - Disallowance

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

That the *Edith Cowan University - Amending Statute No. 6 of 2006* published in the *Gazette* on 16 March 2007 and tabled in the Legislative Council on 27 March 2007 under the *Edith Cowan University Act 1984*, be and is hereby disallowed.

14. Murdoch University - Statute No. 18 - Intellectual Property Amendment - Disallowance

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

That the *Murdoch University - Statute No. 18 - Intellectual Property Amendment* published in the *Gazette* on 16 March 2007 and tabled in the Legislative Council on 27 March 2007 under the *Murdoch University Act 1973*, be and is hereby disallowed.

15. Agriculture Produce (Chemical Residues) Amendment Regulations 2007 - Disallowance

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

That the *Agriculture Produce (Chemical Residues) Amendment Regulations 2007* published in the *Gazette* on 20 March 2007 and tabled in the Legislative Council on 28 March 2007 under the *Agricultural Produce (Chemical Residues) Act 1983*, be and are hereby disallowed.

16. City of Fremantle - Dog (Exercise Areas) Amendment Local Law 2007 - Disallowance

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

That the *City of Fremantle - Dog (Exercise Areas) Amendment Local Law 2007* published in the *Gazette* on 20 March 2007 and tabled in the Legislative Council on 28 March 2007 under the *Local Government Act 1995*, be and is hereby disallowed.

17. Electricity Amendment Regulations (No. 2) 2007 - Disallowance

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

That the *Electricity Amendment Regulations (No. 2) 2007* published in the *Gazette* on 20 March 2007 and tabled in the Legislative Council on 28 March 2007 under the *Electricity Act 1945*, be and are hereby disallowed.

18. Energy Coordination (Designation of Inspectors) Amendment Regulations 2007 - Disallowance

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

That the *Energy Coordination (Designation of Inspectors) Amendment Regulations 2007* published in the *Gazette* on 20 March 2007 and tabled in the Legislative Council on 28 March 2007 under the *Energy Coordination Act 1994*, be and are hereby disallowed.

19. First Home Owner Grant Amendment Regulations 2007 - Disallowance

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

That the *First Home Owner Grant Amendment Regulations 2007* published in the *Gazette* on 20 March 2007 and tabled in the Legislative Council on 28 March 2007 under the *First Home Owner Grant Act 2000*, be and are hereby disallowed.

20. Land Tax Assessment Amendment Regulations 2007 - Disallowance

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

That the *Land Tax Assessment Amendment Regulations 2007* published in the *Gazette* on 20 March 2007 and tabled in the Legislative Council on 28 March 2007 under the *Land Tax Assessment Act 2002*, be and are hereby disallowed.

21. Veterinary Surgeons Amendment Regulations (No. 2) 2007 - Disallowance

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

That the *Veterinary Surgeons Amendment Regulations (No. 2) 2007* published in the *Gazette* on 20 March 2007 and tabled in the Legislative Council on 28 March 2007 under the *Veterinary Surgeons Act 1960*, be and are hereby disallowed.

22. Gas Standards (Infringement Notices) Regulations 2007 - Disallowance

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

That the *Gas Standards (Infringement Notices) Regulations 2007* published in the *Gazette* on 20 March 2007 and tabled in the Legislative Council on 28 March 2007 under the *Gas Standards Act 1972*, be and are hereby disallowed.

23. Shire of Broome - Health (Eating Houses) Local Laws 2006 - Disallowance

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

That the *Shire of Broome - Health (Eating Houses) Local Laws 2006* published in the *Gazette* on 20 March 2007 and tabled in the Legislative Council on 28 March 2007 under the *Health Act 1911*, be and are hereby disallowed.

24. Shire of Broome - Health Local Laws 2006 - Disallowance

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

That the *Shire of Broome - Health Local Laws 2006* published in the *Gazette* on 20 March 2007 and tabled in the Legislative Council on 28 March 2007 under the *Health Act 1911*, be and are hereby disallowed.

25. 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.

Question - put.

The House divided.

Ayes (13)

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

Hon Barry House
 Hon Robyn McSweeney
 Hon Norman Moore
 Hon Simon O'Brien
 Hon Barbara Scott
 Hon Bruce Donaldson (*Teller*)

Noes (12)

Hon Shelley Archer
 Hon Matt Benson-Lidholm
 Hon Kim Chance
 Hon Kate Doust
 Hon Adele Farina
 Hon Jon Ford

Hon Graham Giffard
 Hon Sheila Mills
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Ed Dermer (*Teller*)

Question thus passed.

26. Consideration of Committee Reports

Pursuant to Standing Orders for the consideration of Committee Reports.

In Committee

(Hon Graham Giffard 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, debate resumed on the motion of Hon Robyn McSweeney, That the Report be noted.

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

Joint Standing Committee on the Corruption and Crime Commission - Report No. 11 - Public Hearing Examining Outreach Programmes of the Corruption and Crime Commission - Committee Report

The Order of the Day having been read, Hon Ray Halligan continued his introductory remarks in moving, That the Report be noted.

Question - put and passed.

Joint Standing Committee on the Corruption and Crime Commission - Report No. 12 - Annual Report 2005-2006 - Committee Report

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

Interruption of Debate [SO 61A].

The Acting President resumed the Chair.

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

- (1) Select Committee on the Adequacy of Foster Care Assessment Procedures by the Department for Community Development - Committee Report, made progress, and asked leave to sit again.
- (2) Joint Standing Committee on the Corruption and Crime Commission - Report No. 11 - Public Hearing Examining Outreach Programmes of the Corruption and Crime Commission - Committee Report and had noted same.

- (3) Joint Standing Committee on the Corruption and Crime Commission - Report No. 12 - Annual Report 2005-2006 - Committee Report, made progress, and asked leave to sit again.

Report adopted.

27. 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 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).

28. City of Fremantle Parking Local Law 2006 - Disallowance - Discharge from Notice Paper

The Order of the Day having been read, Hon Ray Halligan moved, without notice -

That Order of the Day No. 405. *City of Fremantle Parking Local Law 2006 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

29. 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, That the Consolidated Fund Estimates 2007-2008 be noted.

Debate resumed.

30. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Treasurer tabled documents in relation to Treasury Policy Guidelines covering fees and charges by non-commercial sector agencies, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 2758).

The Leader of the House representing the Minister for Public Sector Management tabled, and by leave incorporated into Hansard, an answer in relation to details of salary packages for Dr Ruth Shean and Maxine Murray, in response to a question without notice asked by Hon Helen Morton. (Tabled paper 2759).

The Minister for Regional Development on behalf of the Minister for Child Protection representing the Attorney General tabled, and by leave incorporated into Hansard, an answer in relation to the floor area space of departments and sections under the Attorney General's portfolios, in response to a question without notice asked by Hon George Cash. (Tabled paper 2760).

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 Wyndham Multi-purpose Centre, in response to a question without notice asked by Hon Ken Baston. (Tabled paper 2761).

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, a program in relation to the WA Illicit Amphetamine Summit (3 July 2007), in response to a question without notice asked by Hon Donna Faragher. (Tabled paper 2762).

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. 4714 asked by Hon Giz Watson will be provided by 7 June 2007.

The Minister for Regional Development on behalf of the Minister for Child Protection representing the Minister for Employment Protection tabled documents in relation to the Tractor and Machinery Association of Australia - News and Views - OHS Compliance Net Tightens, in response to a question without notice asked by Hon Nigel Hallett. (Tabled paper 2763).

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. 4712 asked by Hon Giz Watson will be provided by 15 August 2007.

31. 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 29 above).

Interruption of Debate [SO 61(b)].

32. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 5.18pm until Tuesday, 5 June 2007 at 3.30pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Sue Ellery and Hon Margaret Rowe.

MALCOLM PEACOCK
Acting Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council