

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 147

THURSDAY, 28 JUNE 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 Peter Collier presented a petition from 624 residents of Western Australia requesting the Legislative Council to call on the Government to immediately hold elections to elect 10 teacher representatives to the WACOT Board and investigate why the regulations governing the election have not been promulgated. (Tabled paper 2918).

3. Ministerial Statement - National Environment Protection Council Acts - Second Review

The Parliamentary Secretary representing the Minister for the Environment made a Ministerial Statement with respect to the second Review of National Environment Protection Council Acts.

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

4. Papers

The following Paper was laid on the Table by -

**Parliamentary Secretary representing the Minister for the Environment on behalf of the
Parliamentary Secretary representing the Minister for Planning and Infrastructure**

Reports -

Report of the Review of the National Environment Protection Council Acts
(Commonwealth, State and Territory) (June 2007)..... 2917

5. Liquor Licensing Amendment Regulations 2007 - Disallowance

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

That the *Liquor Licensing Amendment Regulations 2007* published in the *Gazette* on 1 May 2007 and tabled in the Legislative Council on 9 May 2007 under the *Liquor Licensing Act 1988*, be and are hereby disallowed.

6. Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2007 - Disallowance

Hon Simon O'Brien: To move on the next day of sitting -

That the *Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2007* published in the *Gazette* on 22 June 2007 and tabled in the Legislative Council on 27 June 2007 under the *Road Traffic Act 1974*, be and are hereby disallowed.

7. Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2007 - Disallowance

Hon Simon O'Brien: To move on the next day of sitting -

That the *Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2007* published in the *Gazette* on 22 June 2007 and tabled in the Legislative Council on 27 June 2007 under the *Motor Vehicle Drivers Instructors Act 1963*, be and are hereby disallowed.

8. Casino (Burswood Island) Agreement Amendment Bill 2007

The Minister for Racing and Gaming: To move on the next day of sitting -

That a Bill for "An Act to amend the *Casino (Burswood Island) Agreement Act 1985*" be introduced and read a first time.

9. Appointment of Member to the Joint Standing Committee on the Corruption and Crime Commission

Hon Norman Moore moved, without notice -

That Hon Donna Faragher be appointed as a Member of the Joint Standing Committee on the Corruption and Crime Commission.

Debate ensued.

The Leader of the House moved to adjourn the debate to a later stage of this day's sitting.

Point of Order

Hon Norman Moore raised the following Point of Order -

Mr President, do I have a right of reply on this motion, or is this a procedural motion?

President's Ruling

The President ruled as follows -

The motion is debatable, but there is no right of reply.

Hon Norman Moore, by leave, made a brief personal statement.

The Leader of the House, by leave, withdrew his motion.

On the motion of the Leader of the House the debate was adjourned until after consideration of Order of the Day No. 437, *Appropriation (Consolidated Account) Bill (No. 2) 2007*.

10. Order of Business

Ordered - That Orders of the Day be now taken. (Leader of the House).

11. Suspension of Standing Order

The Leader of the House moved, without notice -

That SO 61A be suspended.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

12. Order of Business

Ordered - That Orders of the Day Nos 417, *Supreme Court Amendment Rules 2007 - Disallowance*, 418, *Tobacco Products Control Amendment Regulations 2007 - Disallowance*, be taken after Order of the Day No. 280, *Water Resources Legislation Amendment Bill 2006*. (Leader of the House).

13. 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.

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

14. Cognate Debate - Appropriation (Consolidated Account) Bill (No. 1) 2007 and Appropriation (Consolidated Account) Bill (No. 2) 2007

The Parliamentary Secretary representing the Treasurer sought leave of the House to debate Order of the Day No. 436, Appropriation (Consolidated Account) Bill (No. 1) 2007 and Order of the Day No. 437, Appropriation (Consolidated Account) Bill (No. 2) 2007 cognately [SO 228].

Leave granted.

15. Appropriation (Consolidated Account) Bill (No. 1) 2007 and Appropriation (Consolidated Account) Bill (No. 2) 2007

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.

Leave was granted to proceed forthwith to the third reading of these Bills.

The Parliamentary Secretary representing the Treasurer moved, That the Bills be now read a third time.

Question - put and passed.

Bills read a third time and passed.

16. Order of Business

Ordered - That Order of the Day, *Joint Standing Committee on the Corruption and Crime Commission - Appointment of Member*, be taken after Order of the Day No. 442, *Child Care Services Bill 2007*. (Leader of the House).

17. Appropriation (Consolidated Fund) Bill (No. 5) 2006 and Appropriation (Consolidated Fund) Bill (No. 6) 2006

The Orders of the Day having been read for the third reading of these Bills.

The Parliamentary Secretary representing the Treasurer moved, That the Bills be now read a third time.

Question - put and passed.

Bills read a third time and passed.

18. Child Care Services Bill 2007

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

Question - put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Minister for Child Protection moved, That the Bill be now read a third time.

Debate ensued.

Question - put and passed.

Bill read a third time and passed.

19. Order of Business

Ordered - That Order of the Day, *Joint Standing Committee on the Corruption and Crime Commission - Appointment of Member*, be taken after Order of the Day No. 443, *Western Australian College of Teaching Amendment Bill 2007*. (Leader of the House).

20. Western Australian College of Teaching Amendment Bill 2007

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

Question - put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Minister for Local Government moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

21. Standing Committee on Estimates and Financial Operations and Standing Committee on Public Administration - Membership

Hon Norman Moore, by leave, moved, without notice -

That -

- (1) The Hon Helen Morton replace the Hon Nigel Hallett on the Standing Committee on the Estimates and Financial Operations; and
- (2) The Hon Nigel Hallett replace the Hon Helen Morton on the Standing Committee on Public Administration.

Question - put and passed.

22. Joint Standing Committee on the Corruption and Crime Commission - Appointment of Member

The Order of the day having been read, debate resumed on the motion of Hon Norman Moore as follows -

That Hon Donna Faragher be appointed as a Member of the Joint Standing Committee on the Corruption and Crime Commission.

Hon Norman Moore, by leave withdrew his motion.

The Leader of the House moved, without notice -

That Hon Ken Travers be appointed a member of the Joint Standing Committee on the Corruption and Crime Commission.

Debate ensued.

Question - put and passed.

23. Ministerial Statement - Ord Sugar Mill - Purchase by Ord River Canegrowers Pty Ltd

The Minister for Agriculture and Food made a Ministerial Statement with respect to assistance to the Ord sugar growers to purchase a sugar mill.

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

24. 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 194.

The Minister for Agriculture and Food moved -

Page 133, lines 4 and 5 — To delete “the expiration of 10 years from” and insert instead —

“ every 10th anniversary of ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

25. Questions Without Notice

Questions without notice were taken.

The Minister for Agriculture and Food tabled, and by leave incorporated into Hansard, an answer in relation to negotiations with the Federal Government on Phase 3 of Natural Heritage Trust funding, in response to a question without notice asked by Hon Murray Criddle. (Tabled paper 2919).

The Minister for Child Protection representing the Minister for Health tabled, and by leave incorporated into Hansard, parts of the answer in tabular form in relation to staff employed within the North Metropolitan Area Mental Health Service, in response to a question without notice asked by Hon Peter Collier. (Tabled paper 2920).

The Leader of the House representing the Minister for Water Resources tabled the answer and attachments 1A and 1B, and by leave incorporated into Hansard, the answer in relation to letters from the Water Corporation sent to landholders at Nelson near Nannup, in response to a question without notice asked by Hon Paul Llewellyn. (Tabled paper 2921).

The Leader of the House representing the Minister for Energy tabled minutes in relation to Western Power's Board meeting held on 19 February 2004, in response to question on notice No. 4927 asked by Hon Norman Moore. (Tabled paper 2922).

The Minister for Child Protection representing the Minister for Employment Protection tabled a copy of a letter of 18 April 1995 from the Health Department of Western Australia signed by Andrew Penman, Executive Director Public Health addressed to Mr Jim Torlach, State Mining Engineer, in response to question on notice No. 4922 asked by Hon Giz Watson. (Tabled paper 2923).

The Minister for Child Protection representing the Minister for Employment Protection in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 4924 asked by Hon Giz Watson will be provided on 14 August 2007.

26. 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

Debate resumed on the Committee stage of these Bills (cf item 24 above).

Biosecurity and Agriculture Management Bill 2006

Postponed Clause 28.

Minister for Agriculture and Food moved -

Page 29, line 27 to page 30, line 6 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

New Clause 3.

The Minister for Agriculture and Food moved -

Page 2, after line 7 — To insert the following new clause —

“

3. *Objects of Act*

- (1) The objects of this Act are to provide effective biosecurity and agriculture management for the State by providing the means to —
 - (a) control the entry, establishment, spread and impact of organisms that have or may have an adverse effect on —
 - (i) other organisms; or
 - (ii) human beings; or
 - (iii) the environment or part of the environment; or
 - (iv) 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;

and
 - (b) control the use of agricultural and veterinary chemicals; and
 - (c) establish standards to ensure the safety and quality of agricultural products; and
 - (d) raise funds for biosecurity-related purposes.
- (2) Nothing in this Act empowers the regulation of diseases which affect only human health.

”.

Debate ensued.

New clause agreed to.

New Clause 13.

The Hon Giz Watson moved -

Page 19, after line 16 — To insert the following new clause —

“

13. Nomination of prohibited organisms

- (1) Any person may nominate an organism to be declared a prohibited organism.
- (2) A nomination must be in the prescribed form.

”.

Debate ensued.

New Clause - put and negatived.

New Clause 187.

Minister for Agriculture and Food moved -

Page 128, after line 4 — To insert the following new clause —

“

187. Compliance statements

- (1) The Director General must prepare —
 - (a) a statement for the period 1 January to 30 June in each year; and
 - (b) a statement for the period 1 July to 30 December in each year,
 on the performance of public authorities that have failed to comply with a pest exclusion notice, section 29(2) or (3) or a pest control notice during that period.
- (2) Before preparing a statement the Director General must consult with each public authority whose performance is to be referred to in the statement.
- (3) Each statement is to be included in the department's next annual report after the period for which it is prepared.
- (4) Each statement is to be given to the Minister not later than 3 months after the end of the period for which it is prepared.
- (5) The Minister must cause a copy of the statement to be laid before each House of Parliament, or dealt with under subsection (6), within 14 days after the report is received by the Minister.
- (6) If —
 - (a) at the commencement of the period referred to in subsection (5) a House of Parliament is not sitting; and
 - (b) the Minister is of the opinion that that House will not sit during that period,
 the Minister must transmit a copy of the statement to the Clerk of that House.
- (7) A copy of a statement transmitted to the Clerk of a House is to be regarded as having been laid before that House.

- (8) The laying of a copy of a direction that is regarded as having occurred under subsection (7) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.

”.

Debate ensued.

New Clause - put and passed.

Schedule 1.

The Minister for Agriculture and Food moved -

Page 134, line 9 — To delete “specifying” and insert instead —

“ prescribing ”.

Amendment - put and passed.

The Minister for Agriculture and Food moved -

Page 135, line 11 — To delete “land” and insert instead —

“ places ”.

Amendment - put and passed.

The Minister for Agriculture and Food moved -

Page 136, line 2 — To delete “a notice” and insert instead —

“ a land document ”.

Amendment - put and passed.

The Minister for Agriculture and Food moved -

Page 136, after line 6 - To insert -

“

25. The use, management, supply, purchase, handling, movement and treatment of agricultural products, animal feeds, fertilisers and other things that are, or are reasonably suspected to be, contaminated.

”.

Amendment - put and passed.

The Minister for Agriculture and Food moved -

Page 139, line 11 — To delete “specified” and insert instead —

“ prescribed ”.

Amendment - put and passed.

Schedule, as amended, agreed to.

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 Bill, 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.

27. Sittings of the House - Extended after 5.00pm

The Leader of the House moved, without notice -

That the House sit beyond 5.00pm for the purpose of finalizing the *Biosecurity and Agriculture Management Bill 2006*.

The motion requiring the concurrence of an absolute majority.

Question - put.

Want of Quorum

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells.

A quorum being formed.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

28. Biosecurity and Agriculture Management Bill 2006

The Minister for Agriculture and Food moved -

That the *Biosecurity and Agriculture Management Bill 2006* be recommitted for the purpose of reconsidering Clauses 13, 29 and 31.

Question - put and passed.

The President left the Chair.

In Committee

(Hon Louise Pratt in the Chair)

Biosecurity and Agriculture Management Bill 2006

Recommittal Clause 13.

The Minister for Agriculture and Food moved -

Page 19, lines 18 to 19 — To delete “has not been declared as a permitted organism or as a prohibited organism” and insert instead —

“ is not a permitted organism or a declared pest ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Recommittal Clause 29.

Minister for Agriculture and Food moved -

Page 31, lines 9 to 18 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Recommittal Clause 31.

Minister for Agriculture and Food moved -

Page 33, line 27 to page 34, line 6 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with further amendments.

The Minister for Agriculture and Food sought leave of the House for the report to be adopted in so far as it affects Order of the Day No 335, *Biosecurity and Agriculture Management Bill 2006*.

Leave granted.

Leave was granted to proceed forthwith through all remaining stages of the Bill at this day's sitting.

The Minister for Agriculture and Food moved, That the Bill be now read a third time.

The Deputy President having reported that the Deputy 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.

29. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 14 August 2007.

Question - put and passed.

30. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 5.32pm until Tuesday, 14 August 2007 at 3.30pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Adele Farina.

MIA BETJEMAN
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council