

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 128

TUESDAY, 3 APRIL 2007

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### 1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

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

### 2. Message from His Excellency the Governor - Assent to Bills

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bills -

28 March 2007 - Message No. 4	Act No.
Local Government (Official Conduct) Amendment Bill 2005	1 of 2007
Racing and Wagering Legislation Amendment Bill 2006	2 of 2007
Racing and Wagering Western Australia Tax Amendment Bill 2006	3 of 2007

### 3. Petition

Hon Barbara Scott presented a petition from 269 residents of Western Australia requesting the Legislative Council review all scientific data and expert advice on the scientific, cultural and heritage values of the rock art, standing stones and other components of the archaeology that exists on the islands of the Dampier Archipelago. (Tabled paper 2586).

### 4. Standing Committee on Environment and Public Affairs - Eighth Report - Local Government Amendment Bill (No. 2) 2006

Hon Louise Pratt presented 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 2587).

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

Question - put and passed.

### 5. Standing Committee on Legislation - Seventh Report - 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

Hon Graham Giffard presented the Seventh Report of the Standing Committee on Legislation in relation to the *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*. (Tabled paper 2588).

Hon Graham Giffard moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

## **6. Aboriginal Child Health Survey**

Hon Barbara Scott: To move on the next day of sitting -

That this House -

- (1) Urges the State Government to take seriously the Western Australian Aboriginal Child Health Survey - Strengthening the Capacity of Aboriginal Children, Families and Communities (Volume 4);
- (2) Set some realistic and achievable time frames for the implementation of the recommended actions;
- (3) Establish an inter-government agency approach to prioritising the recommended actions; and
- (4) Ensure programs build capability in families and communities with Aboriginal and Torres Strait Islander children.

## **7. Select Committee on Memorandum of Understanding between Balga Senior High School and Manufacturing Industry Training Services Pty Ltd - Establishment**

Hon Peter Collier: To move on the next day of sitting -

That -

- (1) A select committee of three members is appointed, any two of whom constitute a quorum.
- (2) The committee is to inquire into and report on -
  - (a) the circumstances surrounding the signing of the Memorandum of Understanding between Balga Senior High School and Manufacturing Industry Training Services Pty Ltd on 14 February 2005 for the establishment of the Balga Works Programme;
  - (b) the knowledge and involvement of Government Ministers, officers of the Department of Education and Training and officers of all other government and Ministerial offices in the circumstances surrounding the signing of the Memorandum of Understanding as referred to in (a);
  - (c) the circumstances surrounding the replacement of the Manufacturing Industry Training Services Pty Ltd with Herson Pty Ltd as the operators of the Balga Works Programme in 2005;
  - (d) the knowledge and involvement of Government Ministers, officers of the Department of Education and Training and officers of all other government Ministerial officers in the circumstances surrounding the operation of the Balga Works Programme 2004-2007;
  - (e) the circumstances surrounding the payment and non-payment of former employees of the Balga Works Programme;
  - (f) the circumstances surrounding the funding of accommodation for young people provided under the Balga Works Programme at Nottingham Street, Joondalup by the Department of Community Development 2004-2007; and
  - (g) such other relevant matters as the committee considers appropriate.
- (3) The committee has the power to send for persons, papers and records and the power to travel.
- (4) The committee may present interim reports without a requirement for leave.

The committee is to report to the house no later than Thursday, 6 December 2007.

**8. Matter of Urgency - South Metropolitan Regional Council's Regional Resource Recovery Centre - Excessive Odour Emissions**

The President read the following letter -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that the Council consider, as a matter of urgency the ongoing complaints of excessive odour emission from the South Metropolitan Regional Council's Regional Resource Recovery Centre at Canning Vale and the effectiveness of the State Government's efforts to resolve the issue.

Yours sincerely

Hon Simon O'Brien

Member for South Metropolitan Region

Four members having risen in support.

Hon Simon O'Brien moved the motion.

Debate ensued.

Motion lapsed.

**9. 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.

*Interruption of Debate* [SO 195].

**10. Owner-Drivers (Contracts and Disputes) Bill 2006**

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved, That the report be adopted.

Question - put and passed.

Ordered - That the third reading of the Bill be made an Order of the Day for the next sitting.

**11. Parental Support and Responsibility Bill 2005**

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Minister for Child Protection moved, That the report be adopted.

Question - put and passed.

Ordered - That the third reading of the Bill be made an Order of the Day for the next sitting.

**12. Road Traffic Amendment Bill 2006**

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

Debate resumed.

**13. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary representing the Treasurer tabled an executive summary by the Department of Treasury and Finance on the “Strategic Business Review of Corporate Services Reform within the Western Australian Government Sector (7 July 2003)”, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 2589).

The Leader of the House representing the Minister for Water Resources tabled, and by leave incorporated into Hansard, an answer in relation to Water Licensing fees proposed to be introduced on 1 July 2007, in response to a question without notice asked by Hon Barry House. (Tabled paper 2590).

The Parliamentary Secretary representing the Treasurer tabled, and by leave incorporated into Hansard, an answer in relation to contracts on the Government contracting information bulletin board (Gem Tendering), in response to a question without notice asked by Hon Anthony Fels. (Tabled paper 2591).

The Minister for Local Government representing the Minister for Education and Training tabled, and by leave incorporated into Hansard, an answer in relation to damages and repairs to Government Employees Housing Authority houses in Wingellina, Warburton, Blackstone and Wanarn, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 2592).

The Minister for Local Government representing the Minister for the Environment tabled an answer in relation to details of a meeting between the Minister for the Environment and the Advisory Committee for the proposed Dampier Archipelago Marine Park and Cape Preston Marine Management Area, in response to question on notice No. 4438 asked by Hon Bruce Donaldson. (Tabled paper 2593).

#### **14. Road Traffic Amendment Bill 2006**

Debate resumed on the second reading of this Bill (cf item 12 above).

Question - put and passed.

Bill read a second time.

The Acting President left the Chair.

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#### **In Committee**

(Hon Ray Halligan in the Chair)

Clause 1 agreed to.

Clauses 2 to 6 agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8 agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clauses 10 to 12 agreed to.

Clause 13.

Debate ensued.

Clause agreed to.

Clauses 14 and 15 agreed to.

Clause 16.

Debate ensued.

Clause agreed to.

Clauses 17 to 29 agreed to.

Clause 30.

Hon Peter Collier moved -

Page 15, line 16 — To delete “by” and insert instead —

“

as follows:

- (a) deleting “48 hours” from paragraph (a) in the definition of “impounding period” and inserting instead —  
“ 7 days ”;

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Debate ensued.

Amendment - put and negatived.

Clause stands as printed.

Clauses 31 to 33 agreed to.

Title agreed to.

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The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Acting 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.

## **15. Sittings of the House**

The Leader of the House moved, without notice -

That so much of Standing Orders be suspended as will allow the House to -

- (1) Meet on Wednesday, 4 April 2007 at 3.00pm and on that day questions without notice are to be taken at 5.00pm until 6.00pm.
- (2) Meet on Thursday, 5 April 2007 at 10.00am and on that day -
  - (a) after routine of business the House to proceed forthwith to Orders of the Day until 1.00pm; and
  - (b) the House shall adjourn at 1.00pm without debate.

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.

## **16. Chemistry Centre (WA) Bill 2006**

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

Debate resumed.

### *Want of Quorum*

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

A quorum being formed, the debate continued.

Question - put and passed.

Bill read a second time.

**17. Adjournment**

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

Question - put and passed.

The House adjourned at 9.53pm until Wednesday, 4 April 2007 at 3.00pm.

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

Attendance: Present all Members except Hon Margaret Rowe.

**MIA BETJEMAN**  
Clerk of the Legislative Council

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