

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 133

THURSDAY, 3 MAY 2007

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### 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. Papers

The following Papers were laid on the Table by -

#### **Minister for Local Government on behalf of the Leader of the House**

##### *By-laws -*

Country Towns Sewerage Act 1948 (Country Towns Sewerage Amendment By-laws (No. 2) 2007 G.G. 05/04/2007) .....	2637
Metropolitan Water Supply, Sewerage, and Drainage Act 1909 (Metropolitan Water Supply, Sewerage and Drainage Amendment By-laws (No. 2) 2007 G.G. 05/04/2007 and Metropolitan Water Supply, Sewerage and Drainage Amendment By-laws (No. 3) 2007 G.G. 13/04/2007).....	2638
Water Agencies (Powers) Act 1984 (Water Agencies (Charges) Amendment By-laws 2007 G.G. 13/04/2007).....	2639

#### **Minister for Local Government**

##### *Local Laws -*

Local Government Act 1995 (Shire of Donnybrook-Balingup Keeping and Welfare of Cats Local Law 2007 G.G. 13/04/2007).....	2640
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##### *Regulations -*

Employment Agents Act 1976 (Employment Agents Amendment Regulations 2007 G.G. 20/04/2007).....	2641
Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment Regulations (No. 2) 2007 G.G. 27/04/2007).....	2642
State Superannuation Act 2000 (State Superannuation Amendment Regulations 2007 G.G. 13/04/2007 and State Superannuation Amendment Regulations (No. 2) 2007 G.G. 13/04/2007) ...	2643

**Minister for Regional Development***Management Plans -*

Fish Resources Management Act 1994 (Shark Bay Snapper Management Plan Amendment 2007 G.G. 11/04/2007 and South-West Coast Salmon Fishery Management Plan Amendment 2007 G.G. 04/04/2007).....	2644
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*Regulations -*

Environmental Protection Act 1986 (Environmental Protection (Controlled Waste) Amendment Regulations 2007 G.G. 13/04/2007 and Environmental Protection (NEPM-UPM) Regulations 2007 G.G. 27/04/2007) .....	2645
Fair Trading Act 1987 (Fair Trading (Product Safety Standard) Amendment Regulations (No. 2) 2007 G.G. 24/04/2007) .....	2646
Finance Brokers Control Act 1975 (Finance Brokers Control (General) Amendment Regulations (No. 3) 2007 G.G. 20/04/2007 and Finance Brokers Control (General) Amendment Regulations (No. 4) 2007 G.G. 20/04/2007) .....	2647
Misuse of Drugs Act 1981 (Misuse of Drugs Amendment Regulations 2007 G.G. 20/04/2007) .....	2648
Prisons Act 1981 (Prisons Amendment Regulations 2007 G.G. 03/04/2007) .....	2649
Sentence Administration Act 2003 (Sentence Administration Amendment Regulations 2007 G.G. 03/04/2007).....	2650
Young Offenders Act 1994 (Young Offenders Amendment Regulations 2007 G.G. 03/04/2007) .....	2651

**Minister for Child Protection***Regulations -*

Juries Act 1957 (Jury Pools Amendment Regulations 2007 G.G. 03/04/2007).....	2652
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*Response to Reports*

Government Response to the Select Committee into the Department of Education and Training (Attorney General).....	2657
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*Rules -*

State Administrative Tribunal Act 2004 (State Administrative Tribunal Amendment Rules 2007 G.G. 13/04/2007).....	2653
Supreme Court Act 1935 (Supreme Court (Corporations) (WA) Amendment Rules 2007 G.G. 13/04/2007).....	2654

**Parliamentary Secretary representing the Deputy Premier on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure***Regulations -*

Armada Redevelopment Act 2001 (Armada Redevelopment Amendment Regulations 2006 G.G. 05/04/2007).....	2655
Road Traffic Act 1974 (Road Traffic Code Amendment Regulations (No. 2) 2007 G.G. 05/04/2007)...	2656

**3. 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.

Hon Bruce Donaldson sought leave of the House for Hon Peter Collier to be granted an extension of time.

Leave denied.

Debate resumed.

*Interruption of Debate* [SO 195].

#### **4. Consideration of Committee Reports**

Pursuant to Standing Orders for the consideration of Committee Reports.

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##### **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 Robyn McSweeney continued her introductory remarks in moving, That the Report be noted.

##### *Want of Quorum*

There not being a quorum present, the Deputy Chairman gave instructions for the ringing of the Bells. A quorum being formed, the debate continued.

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There not being a quorum present, the Deputy Chairman gave instructions for the ringing of the Bells. A quorum being formed, the debate continued.

##### *Want of Quorum*

There not being a quorum present, the Deputy Chairman gave instructions for the ringing of the Bells. A quorum being formed, the debate continued.

*Interruption of Debate* [SO 61A].

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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 -

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.

Report adopted.

#### **5. Public Trustee and Trustee Companies Legislation Amendment Bill 2006**

The Acting President reported the receipt of Message No. 216 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House moved, That the Bill be now read a second time.

Debate stands adjourned.

## **6. Pharmacists Bill 2006**

The Acting President reported the receipt of Message No. 217 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House moved, That the Bill be now read a second time.

Debate stands adjourned.

## **7. 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 354, *Road Traffic Amendment (Drugs) Bill 2006*, be taken after Order of the Day No. 300, *Sunset Hospital Site Bill 2006*. (Leader of the House).

## **8. Trans-Tasman Mutual Recognition (Western Australia) Bill 2005 - Discharge and Referral**

The Leader of the House moved, without notice -

That Order of the Day No. 11, the *Trans-Tasman Mutual Recognition (Western Australia) Bill 2005* be discharged and referred to the Standing Committee on Legislation for consideration and report not later than Thursday, 7 June 2007.

Debate ensued.

The Leader of the House sought leave of the House to make a brief personal statement.

Leave granted.

Question - put and passed.

## **9. Local Government (Miscellaneous Provisions) Amendment Bill 2005**

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

Debate resumed.

The Minister for Local Government, by leave, tabled the Transitional Provisions for Building Surveyors Position Paper. (Tabled paper 2658).

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

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### **In Committee**

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clause 6 agreed to.

Clause 7.

Debate ensued.

The Minister for Local Government moved -

Page 9, line 28 — To delete “a committee; and” and insert instead —

“ the committee; ”.

Page 9, after line 28 — To insert —

“

(e) provide for applications to be made to the State Administrative Tribunal for the review of decisions of the committee; and

”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 8 to 14 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported with amendments.

Ordered - That consideration of the Committee's Report be made an Order of the Day for the next sitting.

**10. 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 having been read for the adjourned debate on the second reading of these Bills. Debate resumed.

Hon Bruce Donaldson sought leave of the House for Hon Anthony Fels to continue his remarks at the next sitting.

Leave granted.

On the motion of the Leader of the House the debate was adjourned to the next sitting.

**11. Order of Business**

Ordered - That Order of the Day No. 362, *Acts Amendment (Consent to Medical Treatment) Bill 2006*, be taken after Order of the Day No. 300, *Sunset Hospital Site Bill 2006*. (Leader of the House).

**12. Fish Resources Management 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 Minister for Regional Development on behalf of the Minister for Government Enterprises tabled, and by leave incorporated into Hansard, an answer in relation to the formula provided by the actuary to GESB to determine the Member account adjustment, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 2659).

The Leader of the House representing the Minister for Energy tabled, and by leave incorporated into Hansard, a corrected answer in relation to mobile phones lost or stolen used by staff of departments or agencies under the Minister for Energy's control, in response to question on notice No.4681 asked by Hon Ray Halligan. (Tabled paper 2662).

The Minister for Child Protection representing the Minister for Health tabled an answer in table format in relation to detailing the existing unmet areas of need for the purposes of section 11AF(1)D of the *Medical Act 1894*, in response to question on notice No. 4730 asked by Hon Anthony Fels. (Tabled paper 2660).

The Minister for Regional Development representing the Minister for the Environment tabled documents in relation to drill logs for recovery bores numbered PB F127 through to PB F137, in response to question on notice No. 4694 asked by Hon Paul Llewellyn. (Tabled paper 2661).

#### **14. Fish Resources Management Amendment Bill 2006**

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

*Interruption of Debate* [SO 61(b)].

#### **15. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 5.40pm until Tuesday, 8 May 2007 at 3.30pm.

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

Attendance: Present all Members except Hon Shelley Archer, Hon Ken Baston, Hon Donna Faragher, Hon Adele Farina, Hon Anthony Fels and Hon Margaret Rowe.

Member granted leave: Hon Barry House.

**MALCOLM PEACOCK**  
Acting Clerk of the Legislative Council

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