

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

### No. 4

THURSDAY, 13 NOVEMBER 2008

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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. Petition

Hon Giz Watson presented a petition from 2 623 petitioners requesting the Legislative Council to support the maintenance of Western Australia as a Genetically Modified (GM) Free Zone. (Tabled paper 305).

#### 3. Papers

The following Papers were laid on the Table by -

##### **Minister for Child Protection**

###### *Reviews -*

Review of the Carers Recognition Act 2004 (Final Report) ..... 291

##### **Minister for Environment**

###### *Leases -*

CALM Lease No. 1030/97 - Between CALM and Todd Miller - Portion of State forest No. 54 ..... 292

CALM Lease No. 1684/97 - Between CALM and James Anthony Mack and Debra Karen Mack - Portion of State forest No. 38 ..... 293

CALM Lease No. 1263/97 - Between CALM and Linda Barbara Zeffert and Kenneth Robert Zeffert (Trading as Treenbrook Cottages) - Portion of State forest No. 36 ..... 294

CALM Lease No. 1011/97 - Between CALM and Stephen Beresford Dilley (Perivale Orchards Pty Ltd) - Portion of State forest No. 28 ..... 295

CALM Lease No. 1158/97 - Between CALM and Stephen Beresford Dilley (Perivale Orchards Pty Ltd) - Portion of State forest No. 28 ..... 296

CALM Lease No. 1840/97 - Between CALM and Murray and Lyn McIntosh - Portion of State forest No. 21 ..... 297

CALM Lease No. 1630/97 - Between CALM and Noel Hedley and Gretta Lesley Hollands - Portion of State forest No. 20 ..... 298

CALM Lease No. 1277/97 - Between CALM and Francesco Tassone and Concettina Guiseppina Tassone - Portion of State forest No. 49 ..... 299

CALM Lease No. 1749/97 - Between CALM and Terence John Fortescue - Portion of State forest No. 23 .....	300
CALM Lease No. 850/97 - Between CALM and Catherine Lois Atkinson and Neville Ainsely Atkinson - Portion of State forest No. 54 .....	301
CALM Lease No. 1990/97 - Between CALM and Norman Francis Lindsay of 'Garden Area' - Portion of State forest No. 20 .....	302
CALM Lease No. 1804/97 - Between CALM and Neil Delroy (Brackenbridge Holdings Pty Ltd) - Portion of State forest No. 10 .....	303
CALM Lease No. 2220/97 - Between CALM and Dr. John Love - Portion of State forest No. 36 .....	304

#### **4. Recommendation 3 of the Nineteenth Report of the Standing Committee on Uniform Legislation and Statutes Review**

Hon Sheila Mills: To move on the next day of sitting -

That Recommendation 3 of the Nineteenth Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Administrative Practices and Procedures and Parliamentary Processes involving Treaties entered into, or proposed to be entered into, by the Commonwealth*, be adopted and agreed to.

#### **5. Select Committee into Public Sector Expenditure - Establishment**

Motion No. 2 having been called.

Debate resumed on the motion of Hon Sue Ellery as follows -

- (1) That a select committee of five members is appointed, any three of whom constitute a quorum.
- (2) The committee and the proceedings of the committee are subject to Chapter XXII of Standing Orders and it is to be regarded for all purposes as a committee appointed under that chapter.
- (3) The committee is to inquire into and report on Government measures to audit the operational and financial performance of the Western Australian public sector, and any other means by which efficiencies in public sector expenditure can be gained and all the circumstances surrounding the implementations of the 3% efficiency dividend including -
  - (a) the impacts of the 3 percent efficiency dividend on the general level of service delivery across all agencies; in particular any impacts on service delivery to regional areas,
  - (b) consider alternative methods for achieving a 3 percent reduction in government expenditure;
  - (c) whether the efficiency dividend has a disproportionate impact on smaller agencies, including whether or not smaller agencies are disadvantaged by poorer economies of scale or a relative inability to obtain funding for new policy proposals;
  - (d) what measures agencies are taking to implement the efficiency dividend, and the effect on their functions, performance and staffing arrangements;
  - (e) alternatives to an across-the-board efficiency dividend to encourage efficiency in the public sector, including consideration of whether certain agencies or functions of agencies should be exempt from the efficiency dividend, or whether the rate of the dividend should vary according to agency size or function.
- (4) The Committee may present interim reports without a requirement for leave and is to present its final report to the House not later than Tuesday, 12 May 2009.

Hon Kim Chance moved, without notice -

- (1) In subsection (1), To delete “five” and insert instead —  
“ three ”.
- (2) In subsection (1), To delete “three” and insert instead —  
“ two ”.

Debate ensued.

*Interruption of Debate* [SO 195].

#### **6. Address-In-Reply**

The Order of the Day having been read for the adjourned debate on the Address-in-Reply.

Debate resumed.

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

#### **7. Mineral Sands (Eneabba) Agreement Amendment Bill 2008**

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

Debate ensued.

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 Mines and Petroleum moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

#### **8. Surrogacy Bill 2008**

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

Debate ensued.

*Extension of Time* - Leave granted to Hon Barbara Scott to extend her speaking time.

Debate continued.

#### **9. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Housing and Works tabled, and by leave incorporated into Hansard, documents in relation to government accommodation projects for homeless people in response to a question without notice asked by Hon Giz Watson. (Tabled paper 307).

The Minister for Transport, by leave, tabled Public Trustee Act 1941 (Public Trustee’s Scale of Fees G.G. 24/06/2008). (Tabled paper 306).

#### **10. Surrogacy Bill 2008**

Debate resumed on the second reading of this Bill (cf item 8 above).

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

### 11. Parliamentary Services Committee

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 1

The Legislative Assembly acquaints the Legislative Council that for the present Session, the Legislative Assembly's Parliamentary Services Committee consists of the Speaker and the members for Darling Range, Forrestfield, Geraldton, Maylands; and Kimberley.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 13 November 2008

### 12. Joint Standing Committee on the Corruption and Crime Commission

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 2

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution -

That for the present Parliament, in accordance with Legislative Assembly Standing Orders 289 to 293, a Joint Standing Committee on the Corruption and Crime Commission be appointed by the Legislative Assembly and the Legislative Council;

and requests the Legislative Council to agree to a similar resolution.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 13 November 2008

Ordered - That consideration of Message No. 2 be made an Order of the Day for the next sitting.

### 13. Joint Standing Committee on the Commissioner for Children and Young People

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 3

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution -

That for the present Parliament -

- (a) pursuant to section 51 of the *Commissioner for Children and Young People Act 2006*, a Joint Standing Committee on the Commissioner for Children and Young People be appointed by the Legislative Assembly and the Legislative Council.
- (b) The Joint Standing Committee shall comprise 2 members appointed by the Legislative Assembly and 2 members appointed by the Legislative Council.
- (c) It is the function of the Joint Standing Committee to —
  - (i) monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
  - (ii) to examine Annual and other Reports of the Commissioner; and
  - (iii) to consult regularly with the Commissioner.
- (d) A report of the Joint Standing Committee will be presented to the Legislative Assembly and the Legislative Council by members of the Joint Standing Committee nominated by it for that purpose.
- (e) The Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied;

and requests the Legislative Council to agree to a similar resolution.

Hon G.A. Woodhams  
Speaker

Legislative Assembly Chamber  
Perth, 13 November 2008

Ordered - That consideration of Message No. 3 be made an Order of the Day for the next sitting.

#### **14. Joint Standing Committee on Delegated Legislation**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 4

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution -

- (1) The terms contained in Legislative Council Message No. 1 for the establishment of the Joint Standing Committee on Delegated Legislation be agreed to; and
- (2) The members for Forrestfield, Jandakot, Nollamara and Wanneroo be appointed as members of the Committee.

Hon G.A. Woodhams  
Speaker

Legislative Assembly Chamber  
Perth, 13 November 2008

#### **15. Special Adjournment**

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 25 November 2008.

Question - put and passed.

#### **16. 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, 25 November 2008 at 3.30pm.

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

Attendance: Present all Members except Hon Shelley Archer and Hon Helen Morton.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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