

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 144

WEDNESDAY, 20 JUNE 2007

1. Meeting of Council

The Council assembled at 4.00pm pursuant to order.

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

2. Statement by President - Filling of Senate Vacancy

The President made the following Statement -

I have the honour to inform you that at a joint sitting of the Houses of Parliament of the State of Western Australia, held at Perth on the 19th day of June 2007 the Members of such Houses sitting and voting together, in pursuance of Section 15 of the *Commonwealth of Australia Constitution Act*, did choose Mathias Hubert Paul Cormann, of 23 Clyde Road, Menora, Western Australia to hold the place vacated by Senator Ian Gordon Campbell.

3. Statement by President - Absence of a Member from the House - Hon Margaret Rowe

The President made the following Statement -

I am required to report to the House that the Minutes of Proceedings and the Members' attendance book of the Legislative Council indicate that Hon Margaret Rowe has been absent from the House for more than six sitting days. The last attendance of Hon Margaret Rowe in this House was on Thursday, 10 May 2007. Pursuant to Standing Order 57 the Member is deemed guilty of contempt.

4. Absence of Member - Hon Margaret Rowe

The Leader of the House moved, without notice -

That the President having called the attention of the House to a question of privilege regarding the absence of the Hon Margaret Rowe for a period longer than six sitting days, provided for under Standing Order 57 -

- (1) The matter be referred to the Standing Committee on Procedure and Privileges for inquiry and report.
- (2) The Legislative Council orders the attendance of Hon Margaret Rowe to be examined by the Standing Committee on Procedure and Privileges at a time and place nominated by the President.

Debate ensued.

Question - put and passed.

5. Petitions

Hon Vincent Catania presented a petition from 174 residents of Western Australia requesting the Legislative Council oppose the continuation of the three year trial of daylight saving. (Tabled paper 2819).

Hon Giz Watson presented a petition from 1 688 residents of Western Australia requesting future exports be subject to a formal environmental assessment with proper public consultation, the permanent banning of the export of lead and all nickel exports to be containerised through the port of Esperance. (Tabled paper 2820).

6. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers -

Performance Examination - A Helping Hand: Home-based Services in Western Australia (Report No. 6) (June 2007) (Deemed tabled 20/06/2007)..... 2808

Leader of the House

Reports -

Consultants engaged by Government for the six months ended 31 December 2006 2809

Interstate and Overseas Travel undertaken by Members of Parliament on Official Business for the three months ended 31 March 2006..... 2810

Interstate and Overseas Travel undertaken by Members of Parliament on Official Business for the three months ended 30 June 2006..... 2811

Interstate and Overseas Travel undertaken by Members of Parliament on Official Business for the three months ended 30 September 2006..... 2812

Interstate and Overseas Travel undertaken by Members of Parliament on Official Business for the three months ended 31 December 2006..... 2813

Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business for the three months ended 30 September 2006..... 2814

Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business for the three months ended 31 December 2006 2815

Minister for Child Protection

Notices -

Occupational Safety and Health Act 1984 - Revocation of the Safety and Health of Children and Young People in Workplaces Code of Practice published in the Government Gazette on 5 April 2007 2816

Parliamentary Secretary representing the Deputy Premier

Reports -

Western Australian Treasury Corporation - Statement of Corporate Intent 2007-2008..... 2817

Western Australian Treasury Corporation - Strategic Development Plan 2007/08 to 2009/10..... 2818

7. Standing Committee on Uniform Legislation and Statutes Review - Nineteenth Report - Administrative Practices and Procedures and Parliamentary Processes Involving Treaties Entered into, or Proposed to be Entered into, by the Commonwealth

Hon Simon O'Brien presented 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. (Tabled paper 2821).

Hon Simon O'Brien moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

8. Appointment of Member to the Parliamentary Services Committee

The Leader of the House moved, without notice -

That Hon Vincent Catania be appointed as a member of the Parliamentary Services Committee.

Question - put and passed.

9. Select Committee on Memorandum of Understanding Between Balga Senior High School and Manufacturing Industry Training Services Pty Ltd - Establishment

Motion No. 58 having been called, Hon Peter Collier pursuant to notice moved -

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 Hurson 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.
- (5) The committee is to report to the House no later than Thursday, 6 December 2007.

Hon Peter Collier, by leave, tabled and incorporated into Hansard a letter from RSM Bird Cameron Partners to Balga Senior High School, dated 8 April 2005. (Tabled Paper 2822).

Hon Peter Collier, pursuant to Standing Order 48, tabled a statement from Gary Hodge and history of the WA project. (Tabled Paper 2823).

Debate ensued.

The Leader of the House moved, without notice -

That Motion No. 58 be made an Order of the Day for the next day's sitting.

Point of Order

Hon Norman Moore raised the following Point of Order -

Normally a motion of that nature is dealt with quite separately from a motion that is currently before the Chair. We are debating the establishment of a select committee. To then move a procedural motion so that we can make that into an Order of the Day is, I think, quite out of order. However, I would appreciate the President's advice.

President's Ruling

The President ruled as follows -

The form of wording used by the Leader of the House in the motion that he has moved is not the usual form of wording to give effect to what he is proposing. Normally, if the mover of that motion wishes to achieve his or her objective, he or she moves that the debate be adjourned to the next day's sitting. When that occurs, if that motion is passed, it follows that the motion becomes an Order of the Day. Essentially, the motion before the House is in the terms that I have just said, which is a procedural motion that the debate be adjourned to the next day's sitting. If that motion is passed, then motion 58 becomes an Order of the Day. If the motion is defeated, debate continues.

Question - put.

The House divided.

Ayes (12)

Hon Shelley Archer
Hon Vincent Catania
Hon Kim Chance
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina

Hon Jon Ford
Hon Sheila Mills
Hon Louise Pratt
Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ed Dermer (*Teller*)

Noes (15)

Hon George Cash
Hon Peter Collier
Hon Murray Criddle
Hon Donna Faragher
Hon Anthony Fels
Hon Ray Halligan
Hon Barry House
Hon Paul Llewellyn

Hon Robyn McSweeney
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Barbara Scott
Hon Giz Watson
Hon Bruce Donaldson (*Teller*)

Question thus negatived.

10. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection representing the Minister for Health tabled, and by leave incorporated into Hansard, an answer in relation to the details of people employed in the Western Australia Country Health Service Central Office for the past five years, in response to a question without notice asked by Hon Anthony Fels. (Tabled paper 2824).

The Leader of the House representing the Minister for the South West tabled, and by leave incorporated into Hansard, an answer in relation to the details of grants allocated to the Connect South West Association in 2006/07 and 2007/08, in response to a question without notice asked by Hon Nigel Hallett. (Tabled paper 2825).

The Parliamentary Secretary representing the Minister for Culture and the Arts tabled, and by leave incorporated into Hansard, an answer in relation to a list of boards of management, members and total remuneration under the Minister for Culture and the Arts' portfolios, in response to question on notice No. 4831 asked by Hon Helen Morton. (Tabled paper 2826).

The Parliamentary Secretary representing the Minister for Consumer Protection tabled, and by leave incorporated into Hansard, an answer in relation to a list of boards of management, members and total remuneration under the Minister for Consumer Protection's portfolios, in response to question on notice No. 4832 asked by Hon Helen Morton. (Tabled paper 2827).

11. Select Committee on Memorandum of Understanding Between Balga Senior High School and Manufacturing Industry Training Services Pty Ltd - Establishment

Debate resumed on the motion of Hon Peter Collier (cf item 8 above).

Interruption of Debate [SO 195].

12. Child Care Services Bill 2007

The President reported the receipt of Message No. 225 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Local Government on behalf of the Minister for Child Protection moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Local Government on behalf of the Minister for Child Protection moved, That the Bill be now read a second time.

Debate stands adjourned.

13. Local Government Amendment Bill (No. 2) 2006

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 229

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Local Government Amendment Bill (No. 2) 2006* without amendment.

Mrs D.J. Guise

Deputy Speaker

Legislative Assembly Chamber

Perth, 19 June 2007

14. The Western Australian College of Teaching Amendment Bill 2007

The President reported the receipt of Message No. 230 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

15. Chemistry Centre (WA) Bill 2006

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 231

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Chemistry Centre (WA) Bill 2006*.

Mr P.B. Watson

Acting Speaker

Legislative Assembly Chamber

Perth, 20 June 2007

16. Order of Business

Ordered - That Orders of the Day Nos 395, *Metropolitan Region Scheme Amendment No. 1027/33 - Whiteman Park and Environs - Disallowance*, 401, *Electricity Networks Access Code Amendments (No. 2) 2006 - Disallowance*, 416, *Town of Victoria Park Signs Local Law 2006 - Disallowance*, 417, *Supreme Court Amendment Rules 2007 - Disallowance*, 418, *Tobacco Products Control Amendment Regulations 2007 - Disallowance*, 420, *Mining Amendment Regulations 2007 - Disallowance*, 431, *Shire of Broome - Health Local Laws 2006 - Disallowance*, be taken after Order of the Day No. 280, *Water Resources Legislation Amendment Bill 2006*. (Minister for Local Government).

17. 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.

Want of Quorum

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

A quorum being formed, the debate continued.

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

18. Cognate Debate - Revenue Laws Amendment (Taxation) Bill 2007 and Revenue Laws Amendment (Assessment) Bill 2007

The Minister for Local Government sought leave of the House to debate Order of the Day No. 438, *Revenue Laws Amendment (Taxation) Bill 2007* and Order of the Day No. 439, *Revenue Laws Amendment (Assessment) Bill 2007* cognately [SO 228].

Leave granted.

19. Revenue Laws Amendment (Taxation) Bill 2007 and Revenue Laws Amendment (Assessment) Bill 2007

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills.
Debate resumed.

Interruption of Debate [SO 61(b)].

20. Special Adjournment

The Minister for Local Government moved, without notice -

That the House at its rising adjourn until Tuesday, 26 June 2007.

Question - put and passed.

21. Adjournment

The Minister for Local Government moved, That the House do now adjourn.

Debate ensued.

Question - put and passed.

The House adjourned at 10:05pm until Tuesday, 26 June 2007 at 3.30pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Margaret Rowe and Hon Ken Travers.

MIA BETJEMAN
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council