

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 8

TUESDAY, 2 DECEMBER 2008

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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. Papers**

The following Papers were laid on the Table by -

**President**

*Joint Standing Committee on Treaties (Commonwealth of Australia) -*

Report No. 96 - Treaties tabled on 16 September 2008 ..... 389

*Letters -*

Thank you letter to the President of the Legislative Council from Mrs Doris Ferry -

Hansard Extracts ..... 390

**Leader of the House**

*Annual Reports -*

Biosecurity Council (2007-2008) (Date received 1/12/2008)..... 391

**Minister for Energy**

*Reports -*

Western Australia Police - Quarterly Report under Section 54(2) of the Terrorism  
(Preventative Detention) Act 2006 (30 September 2008) ..... 392

**Parliamentary Secretary representing the Treasurer**

*Reports -*

Revocation of Australian Standard 4024.1 (1996), Safeguarding of Machinery, Part 1:  
General Principles ..... 393

### **3. Standing Committee on Estimates and Financial Operations - Special Report - Royalty for Regions Policy**

Hon Giz Watson presented the Special Report of the Standing Committee on Estimates and Financial Operations in relation to a resolution of the Committee on 1 December 2008 to commence an inquiry into the *Royalty for Regions Policy*. (Tabled paper 388).

Hon Giz Watson moved, That the Report do lie upon the Table.

Question - put and passed.

### **4. Standing Committee on Uniform Legislation and Statutes Review - Thirty-second Report - Annual Report 2007**

Hon Adele Farina presented the Thirty-second Report of the Standing Committee on Uniform Legislation and Statutes Review being the *Annual Report 2007*. (Tabled paper 394).

Hon Adele Farina moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

### **5. Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2008 - Disallowance**

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

That the *Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2008* published in the *Gazette* on 30 May 2008 and tabled in the Legislative Council on 5 June 2008 under the *Road Traffic Act 1974*, be and is hereby disallowed.

### **6. Matter of Urgency - Minister for Education - Government Response to Balga Works Inquiry**

The President read the following letter -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that this House, as a matter of urgency, expresses its grave concern and condemns the Minister for Education for her handling of the Government's Response to the Standing Committee on Estimates and Financial Operations - Balga Works Program and calls on her to implement the recommendations of the Committee.

Yours sincerely

Hon Ljiljanna Ravlich

Member for East Metropolitan Region

Four members having risen in support.

Hon Ljiljanna Ravlich moved the motion.

Debate ensued.

*Point of Order*

Hon Barbara Scott raised the following Point of Order -

The Member has, three times, in the short space of her speech, reflected on the integrity of the Minister for Education, and if she knows that the Minister has not read the report, could we have an explanation of that?

*President's Ruling*

The President ruled as follows -

Hon Ljiljanna Ravlich is speaking within the bounds of our Standing Orders. There was no reflection on the Minister for Education.

Debate resumed.

Motion lapsed.

## **7. Standing Committee on Uniform Legislation and Statutes Review - Thirty-third Report - Annual Report 2008**

Hon Adele Farina presented the Thirty-third Report of the Standing Committee on Uniform Legislation and Statutes Review being the *Annual Report 2008*. (Tabled paper 395).

Hon Adele Farina moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

## **8. Address-In-Reply**

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

Debate resumed.

## **9. Questions Without Notice**

Questions without notice were taken.

The Minister for Energy tabled, and by leave incorporated into Hansard, a partial answer in relation to government agencies reporting on their energy usage, in response to a question without notice asked by Hon Kate Doust. (Tabled paper 396).

The Minister for Energy representing the Minister for Heritage tabled, and by leave incorporated into Hansard, documents in relation to advice received regarding the heritage significance of the property known as 'The Cliffe', Peppermint Grove, in response to a question without notice asked by Hon Giz Watson. (Tabled paper 397).

## **10. Address-In-Reply**

Debate resumed on the Address-in-Reply (cf item 8 above).

*Point of Order*

The Minister for Transport raised the following Point of Order -

I have been accused by the Member of telling lies. I take exception to that language and ask that it be withdrawn.

*Acting President's Ruling*

The Acting President ruled as follows -

I am not sure that I heard the Member refer to the Minister; I thought I heard him refer to the Government. If my hearing is correct, there is no point of order.

Debate resumed.

Hon Ed Dermer sought leave of the House for Hon Ken Travers to extend his speaking time.

*Acting President's Ruling*

The Acting President ruled as follows -

Members, Standing Order 73B states from paragraph (ii) that —

- (ii) any Member when speaking in the Address-in-Reply debate or on any motion moved under Standing Order 49(c); or
- (iii) any Bill that the Council may not amend,

and for the purposes of paragraph (i), no time limit shall be imposed, and in the case of paragraph (ii) and (iii) each Member may speak for not more than 60 minutes.

A ruling by the then President, Hon Clive Griffiths, dated 6 November 1996 states that with respect to time limits on speeches on a Bill that this House cannot amend, of which this

happens to be one, nobody, including the Minister or the Leader of the Opposition, gets more than 60 minutes. The ruling states —

In regard to other Bills, a Minister or Member in charge of the business, the Leader of the Opposition, the Leader of the National Party, or any Member speaking on their behalf gets unlimited time, but not two people. If the Leader of the Opposition speaks, he cannot have somebody else speak on his behalf.

Further on it states —

The only person, if it were not a Bill that this House could not amend, who would get unlimited time would be the Leader of the Opposition, or, if he were not to speak, somebody who would speak on his behalf.

The ruling states that Members speaking on the Address-in-Reply are allowed only 60 minutes. The Member's time has expired. We are still dealing with the Address-in-Reply and I call on Hon Ken Baston.

Leave denied.

Debate resumed.

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

### **11. Training Legislation Amendment and Repeal Bill 2008**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 9

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Training Legislation Amendment and Repeal Bill 2008* without amendment.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 2 December 2008

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

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 10

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Mineral Sands (Eneabba) Agreement Amendment Bill 2008* without amendment.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 2 December 2008

### **13. Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2008**

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.

The Acting President left the Chair.

—  
**In Committee**

(Hon Ken Travers in the Chair)

Clause 1 agreed to.

Clauses 2 to 5 agreed to.

Clause 6.

Debate ensued.

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

The Minister for Mines and Petroleum moved, That progress be reported and leave asked to sit again.

Question - put and passed.

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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.

Ordered - That the Committee have leave to sit again.

#### **14. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.16pm until Wednesday, 3 December 2008 at 4.00pm.

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

Attendance: Present all Members except Hon Donna Faragher.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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