

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 131

TUESDAY, 1 MAY 2007

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. Messages from His Excellency the Governor - Assent to Bills

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

11 April 2007 - Message No. 5	Act No.
Road Traffic Amendment Bill 2006	4 of 2007
18 April 2007 - Message No. 7	Act No.
Gas and Electricity Safety Legislation Amendment Bill 2006	5 of 2007

3. Petition

Hon Giz Watson presented a petition, by delivery to the Clerk, [SO 130], from 76 residents of Western Australia requesting the Legislative Council to oppose urban development by LandCorp of pristine coastal land at Lots 1512 and 1523 Emu Point Drive, Albany. (Tabled paper 2622).

4. Ministerial Statement - WorkChoices - Impact on Western Australian Women

The Minister for Women's Interests made a Ministerial Statement with respect to Western Australian Women missing out under WorkChoices.

Point of Order

Hon Norman Moore raised the following Point of Order -

Mr President, I draw your attention to Standing Order 125(aa), which relates to ministerial statements. I suggest that this statement transgresses that standing order.

President's Ruling

The President ruled as follows -

Standing Order 125(aa) states with respect to statements by Ministers or Parliamentary Secretaries -

A statement is to impart factual information and not contain remarks or opinions or debateable matter other than debateable matter that is inherent in the content of the statement.

I gave consideration to the statement of the Minister before she read it out. At first reading I thought it was borderline with respect to the application of the standing order. However, I have come to the view that the statement does impart factual information, the factual information being a discussion paper that said certain things. The things said in the discussion paper may contain debatable matter, but they are inherent in the content of the statement.

Ordered - That consideration of the Ministerial Statement be made an Order of the Day for the next sitting.

5. Papers

The following Papers were laid on the Table by -

Minister for Regional Development

Annual Reports -

State Emergency Management Committee (for the reporting period ending
30 June 2006) (Date received 13/04/2007) 2619

Minister for Child Protection

Annual Reports -

Radiological Council (for the year ended 31 December 2006) (Date received 13/04/2007) 2620

Parliamentary Secretary representing the Deputy Premier

Agreements -

Alumina Refinery (Wagerup) Agreement 1978 - Between the State of Western
Australia and Alcoa of Australia Limited 2621

6. **Standing Committee on Uniform Legislation and Statutes Review - Seventeenth Report - Annual Report 2006**

Hon Simon O'Brien presented the Seventeenth Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the Annual Report 2006. (Tabled paper 2623).

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

Question - put and passed.

7. **Select Committee of Privilege in relation to a Matter of Privilege Arising in the Standing Committee on Estimates and Financial Operations - Extension of Reporting Time**

Hon Murray Criddle presented a Report of the Select Committee of Privilege in relation to a Matter of Privilege Arising in the Standing Committee on Estimates and Financial Operations seeking an extension of time from Wednesday, 30 May 2007 to Thursday, 30 August 2007. (Tabled paper 2624).

Hon Murray Criddle moved, That the Report do lie upon the Table and be adopted and agreed to.

Question - put and passed.

8. **Metropolitan Region Scheme Amendment 1027/33 - Whiteman Park and Environs - Disallowance**

Hon Giz Watson: To move on the next day of sitting -

That the *Metropolitan Region Scheme Amendment No. 1027/33 - Whiteman Park and Environs* published in the *Gazette* on 30 March 2007 and tabled in the Legislative Council on 4 April 2007 under the *Planning and Development Act 2005*, be and is hereby disallowed.

9. Matter of Urgency -Buy Local Policy - John Willcock Senior High School

The President read the following letter -

Dear Mr President

Pursuant to Standing Order 72 I intend to move that the Council consider, as a matter of urgency that the State Government's Buy Local Policy is flawed and does not benefit regional businesses, with particular reference to the tender and selection process for the provision of computers to John Willcock Senior High School.

Yours sincerely

Hon Murray Criddle

Member for the Agricultural Region

Four members having risen in support.

Hon Murray Criddle moved the motion.

Debate ensued.

Motion lapsed.

10. Governance and Administration of 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.

Point of Order

Hon Norman Moore raised the following Point of Order -

There is a standing order that relates to relevance.

President's Ruling

The President ruled as follows -

That is not a point of order. I note what the motion says. It is worded very broadly. It is to do with the government. It says, amongst other things -

a government preoccupied with continued internal division and conflict, manipulated by outside influences . . .

I understand that Hon Ken Travers is refuting that motion by contrasting the position of the government with the position of the opposition.

The motion moved by Hon Norman Moore touches on a number of areas. It is very wide and in my view lends itself to a variety of issues being raised, because it also deals with the issue of public confidence in the capacity of the government to govern. As I understand from his remarks, Hon Ken Travers pointed out that from his point of view the issue of public confidence in the government's capacity to govern is bound up with how the performance of the opposition should be viewed.

Interruption of Debate [SO 195].

11. Joint Standing Committee on Delegated Legislation - Appointment of Member

The Leader of the House moved, without notice -

That Hon Ken Travers be appointed as a member of the Joint Standing Committee on Delegated Legislation.

Question - put and passed.

12. Standing Committee on Estimates and Financial Operations - Appointment of Member

The Leader of the House moved, without notice -

That Hon Sheila Mills be appointed as a member of the Standing Committee on Estimates and Financial Operations.

Question - put and passed.

13. Leave of Absence - Hon Barry House

Hon Bruce Donaldson moved, by leave and without notice -

That leave of absence be granted to Hon Barry House for six sitting days due to parliamentary business.

Question - put and passed.

14. Appropriation (Consolidated Fund) Bill (No. 5) 2006

The President reported the receipt of Message No. 218 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Treasurer moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Treasurer moved, That the Bill be now read a second time.

Debate stands adjourned.

15. Appropriation (Consolidated Fund) Bill (No. 6) 2006

The President reported the receipt of Message No. 219 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Treasurer moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Treasurer moved, That the Bill be now read a second time.

Debate stands adjourned.

16. Racing, Wagering and Betting Legislation Amendment and Repeal Bill 2007

The President reported the receipt of Message No. 220 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Racing and Gaming moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Racing and Gaming moved, That the Bill be now read a second time.

Debate stands adjourned.

17. 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*, be taken after Order of the Day No. 300, *Sunset Hospital Site Bill 2006*. (Leader of the House).

18. Road Traffic Amendment (Drugs) Bill 2006

The Order of the Day for the consideration of this Bill, in Committee, having been read.

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

19. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Deputy Premier tabled documents in relation to a list of determinations, including the size of the determination area and the native title holders involved, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 2625).

The Parliamentary Secretary representing the Deputy Premier on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled documents in relation to small charter vehicle guidelines, in response to a question without notice asked by Hon George Cash. (Tabled paper 2626).

The Leader of the House representing the Minister for Energy tabled an answer and document in relation to details of Western Power records of power interruptions, in response to question on notice No. 4449 asked by Hon Ray Halligan. (Tabled paper 2627).

The Minister for Child Protection representing the Minister for Employment Protection tabled an answer in relation to details of names of people and salary for staff and consultants who work for the Employment Protection Division of the Department of Consumer and Employment Protection, in response to question on notice No. 4411 asked by Hon Helen Morton. (Tabled paper 2628).

The Minister for Regional Development representing the Minister for Police and Emergency Services tabled, and by leave incorporated into Hansard, an answer in relation to "Culturally Competent Officers" within the Western Australian Police Service, in response to a question without notice asked by Hon Nigel Hallett. (Tabled paper 2629).

The Parliamentary Secretary representing the Treasurer tabled an answer and document in relation to a breakdown of figures in Table Six 'Purchase of Fixed Assets' in the Annual Report on State Finances for the year 2005-06, in response to a question on notice No. 4450 asked by Hon Nigel Hallett. (Tabled paper 2630).

The Parliamentary Secretary representing the Deputy Premier on behalf of Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 4442 asked by Hon Helen Morton will be provided by 8 May 2007.

20. Road Traffic Amendment (Drugs) Bill 2006

Debate resumed in Committee on this Bill (cf item 18 above).

The President left the Chair.

In Committee

(Hon Graham Giffard in the Chair)

Clauses 2 to 5.

Debate ensued.

Clauses agreed to.

Clause 6.

Debate ensued.

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

Question - put and passed.

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.

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

The Order of the Day for the consideration of this Bill, in Committee, having been read.

The Acting President left the Chair.

In Committee

(Hon Ray Halligan in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 6.

Clauses agreed to.

Title.

Question - put.

The Committee divided.

Ayes (14)

Hon Matt Benson-Lidholm
Hon Vincent Catania
Hon Kim Chance
Hon Kate Doust
Hon Sue Ellery
Hon Graham Giffard
Hon Paul Llewellyn

Hon Sheila Mills
Hon Louise Pratt
Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Ed Dermer (*Teller*)

Noes (13)

Hon Ken Baston
Hon George Cash
Hon Peter Collier
Hon Murray Criddle
Hon Donna Faragher
Hon Anthony Fels
Hon Nigel Hallett

Hon Ray Halligan
Hon Robyn McSweeney
Hon Norman Moore
Hon Helen Morton
Hon Barbara Scott
Hon Bruce Donaldson (*Teller*)

Question thus passed.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

Point of Order

Hon Norman Moore raised the following Point of Order -

I understand that standing order 243 refers to the passage of a bill to the third reading immediately if there has been no opposition. There has been a vast amount of opposition to this legislation. The process in recent times is that, if there is opposition to the third reading being dealt with straight after the committee stage, the third reading is dealt with the following day.

Deputy President's Ruling

The Deputy President ruled as follows -

One of the issues is the fact that the Procedure and Privileges Committee reported recently that it believed there should be a period between the adoption of the report and the third reading. I understood that was agreed to. Unless a special arrangement was made between the parties, that was to be the case.

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

22. Cognate Debate - 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 Leader of the House sought leave of the House to debate Order of the Day No. 335, *Biosecurity and Agriculture Management Bill 2006*, Order of the Day No. 336, *Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006* and Order of the Day No. 337, *Biosecurity and Agriculture Management Rates and Charges Bill 2006* cognately [SO 228].

Leave granted.

23. 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 ensued.

Interruption of Debate [SO 61(b)].

24. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.34pm until Wednesday, 2 May 2007 at 4.00pm.

Members present during the day's proceedings

Attendance: Present all Members Hon Shelley Archer, Hon Adele Farina 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