

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

**No. 143**

**TUESDAY, 19 JUNE 2007**

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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. 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 -

**6 June 2007 - Message No. 13**

**Act No.**

Owner-Drivers (Contracts and Disputes) Act 2007

No.7 of 2007

**13 June 2007 - Message No. 17**

**Act No.**

Racing, Wagering and Betting Legislation Amendment and Repeal Act 2007

No.8 of 2007

### **3. Petitions**

Hon Giz Watson presented a petition, by delivery to the Clerk, [SO 130], from 57 residents of Western Australia requesting the Legislative Council support both a moratorium on the removal of mature trees on public land in urban areas and their protection as a public asset. (Tabled paper 2793).

Hon Helen Morton presented a petition, by delivery to the Clerk, [SO 130], from 3 057 residents of Western Australia requesting the Legislative Council oppose the closure of Royal Perth Hospital. (Tabled paper 2794).

Hon Helen Morton presented a petition from 102 residents of Western Australia requesting the Legislative Council oppose large community supported residential units (CSRU) on hospital sites and support small CSRU in normal homes and streets in order to preserve the dignity of people with a mental illness. (Tabled paper 2797).

### **4. Ministerial Statement - Metropolitan Region Scheme Amendment No. 1099/33 South West Districts Omnibus (No. 6)**

The Parliamentary Secretary representing the Minister for Planning and Infrastructure made a Ministerial Statement with respect to Metropolitan Region Scheme Amendment No. 1099/33 South West Districts Omnibus (No. 6).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled the Metropolitan Region Scheme Amendment No. 1099/33 South West Districts Omnibus (No. 6) (Tabled paper Nos 2798A, 2798B, 2798C, 2799A and 2799B).

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

## 5. Papers

The following Papers were laid on the Table by -

### President

#### *Auditor General's Papers*

Performance Examination - Shared Services Reform: A Work in Progress  
(Report No. 5) (June 2007) (Deemed tabled 13/06/07) ..... 2807

### Parliamentary Secretary representing the Deputy Premier

#### *Ministerial Approvals -*

East Perth Redevelopment Act 1991 - Sale of land with value in excess of \$1 million -  
Lot 408 Newcastle Street, Northbridge ..... 2795

#### *Notices -*

Financial Management Act 2006, Under Section 82 - Questions on Notice Nos 2194, -  
asked in the Legislative Assembly on 8 May 2007, 2276, 2277, 2280, 2294  
and 2295 - asked in the Legislative Assembly on 9 May 2007 ..... 2796

## 6. Joint Standing Committee on the Corruption and Crime Commission - Twenty-Sixth Report - Inquiry into the Future Operations of Witness Protection Programmes in Western Australia

Hon Ray Halligan presented the Twenty-Sixth Report of the Joint Standing Committee on the Corruption and Crime Commission in relation to the Inquiry into the Future Operations of Witness Protection Programmes in Western Australia. (Tabled paper 2800).

Hon Ray Halligan moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

## 7. Petroleum (Submerged Lands) (Pipelines) Regulations 2007 - Disallowance

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

That the *Petroleum (Submerged Lands) (Pipelines) Regulations 2007* published in the *Gazette* on 27 March 2007 and tabled in the Legislative Council on 4 April 2007 under the *Petroleum (Submerged Lands) Act 1982*, be and are hereby disallowed.

## 8. Petroleum (Submerged Lands) (Occupational Safety and Health) Regulations 2007 - Disallowance

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

That the *Petroleum (Submerged Lands) (Occupational Safety and Health) Regulations 2007* published in the *Gazette* on 27 March 2007 and tabled in the Legislative Council on 4 April 2007 under the *Petroleum (Submerged Lands) Act 1982*, be and are hereby disallowed.

## 9. Alcoa - Supplementary Property Purchase Plan

Hon Robyn McSweeney: To move on the next day of sitting -

That given the serious concern expressed by landholders regarding the compensation processes related to the current Alcoa expansion, the Standing Committee on Environment and Public Affairs be required to conduct an inquiry into the fairness and just terms of the *Supplementary Property Purchase Program (SPPP)* and to report back by 14 August 2007.

**10. Order of Business**

Hon Ljiljanna Ravlich moved, without notice -

That motion No. 59, *Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978 - Variation Agreement - Disallowance* be taken before motion No. 46, *Home Ownership Affordability*.

Question - put and passed.

**11. Suspension of Standing Orders - Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978 - Variation Agreement - Disallowance**

Hon Paul Llewellyn moved, without notice -

That so much of Standing Orders be suspended to enable motion No. 59 *Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978 - Variation Agreement - Disallowance*, to be debated until 4.40pm at today's sitting and the question put and determined, if not sooner, at that time.

Debate ensued.

*Want of Quorum*

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

A quorum being formed.

The motion requiring the concurrence of an absolute majority.

Question - put.

There being a dissentient voice the President ordered the House to divide.

**Ayes (2)**

Hon Giz Watson

Hon Paul Llewellyn (*Teller*)

**Noes (28)**

Hon Shelley Archer

Hon Graham Giffard

Hon Ken Baston

Hon Nigel Hallett

Hon Matt Benson-Lidholm

Hon Ray Halligan

Hon George Cash

Hon Barry House

Hon Vincent Catania

Hon Robyn McSweeney

Hon Peter Collier

Hon Sheila Mills

Hon Murray Criddle

Hon Norman Moore

Hon Bruce Donaldson

Hon Helen Morton

Hon Kate Doust

Hon Simon O'Brien

Hon Sue Ellery

Hon Ljiljanna Ravlich

Hon Donna Faragher

Hon Barbara Scott

Hon Adele Farina

Hon Sally Talbot

Hon Anthony Fels

Hon Ken Travers

Hon Jon Ford

Hon Ed Dermer (*Teller*)

The concurrence of an absolute majority of the whole number of Members not being met Standing Orders not suspended.

**12. Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978 - Variation Agreement - Disallowance**

Motion No. 59 having been called, Hon Paul Llewellyn pursuant to notice moved -

That the Variation Agreement dated 28 March 2007 to the *Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978* tabled in the Legislative Council on 1 May 2007 under the *Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978*, be and is hereby disallowed. (Tabled paper 2621).

Debate ensued.

*Interruption of Debate* [SO 195].

**13. Appropriation (Consolidated Account) Bill (No. 1) 2007**

The President reported the receipt of Message No. 223 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.

**14. Appropriation (Consolidated Account) Bill (No. 2) 2007**

The President reported the receipt of Message No. 224 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. Revenue Laws Amendment (Taxation) Bill 2007**

The President reported the receipt of Message No. 226 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.

**16. Questions Without Notice**

Questions without notice were taken.

The Minister for Regional Development on behalf of the Leader of the House representing the Minister for Energy tabled, and by leave incorporated into Hansard, an answer in relation to a proposed new substation in Stirling by Western Power, in response to a question without notice asked by Hon George Cash. (Tabled paper 2801).

The Minister for Local Government representing the Minister for Education and Training tabled a document in relation to details of reasons for termination, Primary and Secondary, in response to question on notice No. 4857 asked by Hon Peter Collier. (Tabled paper 2802).

The Minister for Regional Development representing the Minister for Police and Emergency Services tabled documents in relation to Department of Housing and Works - Business Case for FESA Headquarters - Refurbish versus Relocation, in response to question without notice asked by Hon Norman Moore. (Tabled paper 2803).

The Minister for Regional Development on behalf of the Minister for Child Protection representing the Minister for Health tabled documents in relation to list of Boards of management, members and total remuneration under the Minister for Health's portfolios, in response to question on notice No. 4821 asked by Hon Helen Morton. (Tabled paper 2804).

#### **17. Revenue Laws Amendment (Taxation) Bill 2007**

Second reading speech resumed on this Bill (cf item 15 above).

The Parliamentary Secretary representing the Treasurer tabled the Explanatory Memorandum. (Tabled paper 2805).

Debate stands adjourned.

#### **18. Revenue Laws Amendment (Assessment) Bill 2007**

The President reported the receipt of Message No. 228 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.

The Parliamentary Secretary representing the Treasurer tabled the Explanatory Memorandum. (Tabled paper 2806).

Debate stands adjourned.

#### **19. Consumer Credit (Western Australia) Code Amendment Order 2007**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 227

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

That this House approves the draft *Consumer Credit (Western Australia) Code Amendment Order 2007*, a copy of which was laid on the Table of the House on 10 May 2007

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

Mrs D.J. Guise

Deputy Speaker

Legislative Assembly Chamber

Perth, 13 June 2007

Ordered - That consideration of Message No. 227 be made an Order of the Day for the next sitting.

## **20. 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* and 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 Regional Development).

## **21. Legal Practice Board Amendment Rules (No. 2) 2006 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been read, Hon Ray Halligan moved, without notice -

That *Legal Practice Board Amendment Rules (No. 2) 2006 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

## **22. Health (Section 112(2) Prohibition) Regulations 2006 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been read, Hon Ray Halligan moved, without notice -

That *Health (Section 112(2) Prohibition) Regulations 2006 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

## **23. Town of Vincent Parking Facilities Local Law - Amendment No. 1 2007 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been read, Hon Ray Halligan moved, without notice -

That *Town of Vincent Parking Facilities Local Law - Amendment No. 1 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

## **24. Murdoch University - Statute No. 18 - Intellectual Property Amendment - Disallowance - Discharge from Notice Paper**

The Order of the Day having been read, Hon Ray Halligan moved, without notice -

That *Murdoch University - Statute No. 18 - Intellectual Property Amendment - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

## **25. Agriculture Produce (Chemical Residues) Amendment Regulations 2007 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been read, Hon Ray Halligan moved, without notice -

That *Agriculture Produce (Chemical Residues) Amendment Regulations 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

**26. City of Fremantle - Dog (Exercise Areas) Amendment Local Law 2007 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been read, Hon Ray Halligan moved, without notice -

That *City of Fremantle - Dog (Exercise Areas) Amendment Local Law 2007* - Disallowance, be discharged from the Notice Paper.

Question - put and passed.

**27. Electricity Amendment Regulations (No. 2) 2007 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been read, Hon Ray Halligan moved, without notice -

That *Electricity Amendment Regulations (No. 2) 2007* - Disallowance, be discharged from the Notice Paper.

Question - put and passed.

**28. Energy Coordination (Designation of Inspectors) Amendment Regulations 2007 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been read, Hon Ray Halligan moved, without notice -

That *Energy Coordination (Designation of Inspectors) Amendment Regulations 2007* - Disallowance, be discharged from the Notice Paper.

Question - put and passed.

**29. First Home Owner Grant Amendment Regulations 2007 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been read, Hon Ray Halligan moved, without notice -

That *First Home Owner Grant Amendment Regulations 2007* - Disallowance, be discharged from the Notice Paper.

Question - put and passed.

**30. Land Tax Assessment Amendment Regulations 2007 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been read, Hon Ray Halligan moved, without notice -

That *Land Tax Assessment Amendment Regulations 2007* - Disallowance, be discharged from the Notice Paper.

Question - put and passed.

**31. Veterinary Surgeons Amendment Regulations (No. 2) 2007 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been read, Hon Ray Halligan moved, without notice -

That *Veterinary Surgeons Amendment Regulations (No. 2) 2007* - Disallowance, be discharged from the Notice Paper.

Question - put and passed.

**32. Gas Standards (Infringement Notices) Regulations 2007 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been read, Hon Ray Halligan moved, without notice -

That *Gas Standards (Infringement Notices) Regulations 2007* - Disallowance, be discharged from the Notice Paper.

Question - put and passed.

**33. Shire of Broome - Health (Eating Houses) Local Laws 2006 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been read, Hon Ray Halligan moved, without notice -

That *Shire of Broome - Health (Eating Houses) Local Laws 2006* - Disallowance, be discharged from the Notice Paper.

Question - put and passed.

**34. 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.

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

**35. 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 for the further consideration of these Bills, in Committee, having been read.

The Acting President left the Chair.

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**In Committee**

(Hon Ken Travers in the Chair)

***Biosecurity and Agriculture Management Bill 2006***

Clause 154.

The Minister for Agriculture and Food moved -

Page 109, lines 19 to 26 — To delete the lines and insert instead —

“

(1) Any intellectual property, or right to apply for, hold, receive, exploit or dispose of intellectual property, that the State acquires on or after the day on which this section comes into operation is, by operation of this section, assigned to the Authority.

(2) In subsection (1) —

“**intellectual property**” means intellectual property —

- (a) created in the course of the performance of functions under this Act; or
- (b) otherwise created in the course of the performance of functions by a person in that person’s capacity as a person employed or engaged in the department.

”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 155.

Debate ensued.

On the question, That the clause stand as printed - put and negatived.

Clause 156.



The Minister for Agriculture and Food moved -

Page 110, line 20 — To delete “Ministerial Body” and insert instead —  
“ Authority ”.

Page 110, line 21 — To delete “Ministerial Body” and insert instead —  
“ Authority ”.

Page 110, line 22 — To delete “Ministerial Body” and insert instead —  
“ Authority ”.

Page 110, line 24 — To delete “Ministerial Body” and insert instead —  
“ Authority ”.

Page 110, line 26 — To delete “Ministerial Body” and insert instead —  
“ Authority ”.

Page 110, line 29 — To delete “Ministerial Body” and insert instead —  
“ Authority ”.

Page 110, line 30 — To delete “Ministerial Body” and insert instead —  
“ Authority ”.

Page 111, line 1 — To delete “Ministerial Body” and insert instead —  
“ Authority ”.

Page 111, line 4 — To delete “Ministerial Body” and insert instead —  
“ Authority ”.

Page 111, line 6 — To delete “Ministerial Body” and insert instead —  
“ Authority ”.

Page 111, lines 12 and 13 — To delete “Ministerial Body” and insert instead —  
“ Authority ”.

Page 111, line 16 — To delete “Ministerial Body” and insert instead —  
“ Authority ”.

Page 111, line 17 — To delete “Ministerial Body” and insert instead —  
“ Authority ”.

Page 111, line 20 — To delete “Ministerial Body’s” and insert instead —  
“ Authority’s ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 157.

The Minister for Agriculture and Food moved -

Page 111, lines 31 and 32 — To delete “*Financial Administration and Audit Act 1985*” and insert instead —

“ *Financial Management Act 2006* ”.

Debate ensued.

Amendment - put and passed.

The Minister for Agriculture and Food moved -

Page 112, lines 1 and 2 — To delete “Part II Division 14” and insert instead —

“ Part 5 ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 158.

The Minister for Agriculture and Food moved -

Page 112, line 13 — To delete “may” and insert instead —

“ must ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 159.

Debate ensued.

Clause agreed to.

Clauses 160 to 172 agreed to.

Clause 173.

Debate ensued.

Clause agreed to.

Clauses 174 to 177 agreed to.

Clause 178.

The Minister for Agriculture and Food moved -

Page 122, lines 11 and 12 — To delete “business day 5 days” and insert instead —

“ 5<sup>th</sup> business day ”.

The Minister for Agriculture and Food moved -

Page 122, line 15 — To delete “business day 10 days” and insert instead —

“ 10<sup>th</sup> business day ”.

Debate ensued.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 179 to 181 agreed to.

Clause 182.

The Minister for Agriculture and Food moved -

Page 123, line 15 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 183 to 186 agreed to.

Clause 187.

The Minister for Agriculture and Food moved -

Page 128, line 9 — To delete “Ministerial Body” and insert instead —

“ Authority ”.

Debate ensued.

Amendment - put and passed.

The Minister for Agriculture and Food moved -

Page 128, lines 21 to 23 - To delete the lines.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 188 agreed to.

Clause 189.

The Minister for Agriculture and Food moved -

Page 129, line 15 — To delete “satisfied” and insert instead —

“ advised by the Minister ”.

Debate ensued.

Amendment - put and passed.

The Minister for Agriculture and Food moved -

Page 129, line 19 — To delete “Governor is advised by the Minister that” and insert instead —

“ organism ”.

Page 129, line 20 — To delete “the organism”.

Page 129, line 22 — To delete “the organism”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 190.

The Minister for Agriculture and Food moved -

Page 130, line 14 — To delete “specify” and insert instead —

“ prescribe ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 191.

The Hon Giz Watson moved -

Page 130, line 21 — To delete “related”.

Debate ensued.

Amendment - put and negatived.

On the question, That the clause stand as printed - put and passed.

Clause 192.

Debate ensued.

Clause agreed to.

Clause 193.

The Minister for Agriculture and Food moved -

Page 132, line 11 — To insert after “affect” —

“ the environment of the district, ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

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

### **36. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.31pm until Wednesday, 20 June 2007 at 4.00pm.

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

Attendance: Present all Members except Hon Margaret Rowe.

**MIA BETJEMAN**  
Clerk of the Legislative Council

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