

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 27

TUESDAY, AUGUST 16 2005

1. Meeting of Council

The Council assembled at 3.00pm pursuant to order.

The Deputy President, Hon George Cash, took the Chair and read prayers.

2. Statement by Deputy President - Victory in the Pacific, Sixtieth Anniversary

The Deputy President made the following Statement -

As Members would be aware, yesterday marked the sixtieth anniversary of the victory in the Pacific and the cessation of World War II hostilities. I now invite Members and officers to rise and join me in one minute's silence in recognition of the sacrifice made by both the fallen and returned servicemen and women so that all Australians and future generations may continue to live in the free and democratic society that we now have.

Members standing in their places.

3. Statement by Deputy President - Clerk of the Legislative Council and Clerk of the Parliaments of Western Australia, Resignation

The Deputy President made the following Statement -

I have correspondence from Government House, Perth. It is from the official secretary, Mr Kevin Skipworth, and is dated August 9 2005. It states -

Hon. Nick Griffiths MLC
President of the Legislative Council
Parliament House
PERTH WA 6000

Dear Mr President

I am writing to advise that His Excellency the Governor has noted the resignation of Mr Laurie Marquet from the offices of Clerk of the Legislative Council and Clerk of Parliaments of Western Australia.

The original of Mr Marquet's letter of resignation and the Governor's acknowledgement have been handed to Mr Malcolm Peacock, Acting Clerk.

Yours sincerely

Kevin Skipworth

OFFICIAL SECRETARY

4. Message from His Excellency the Governor - Assent to Bills

The Deputy President reported the receipt of a Message from His Excellency the Governor assenting to the following Bills -

July 7 2005 - Message No. 22	Act No.
Appropriation (Consolidated Fund) Bill (No. 1) 2005	6 of 2005
Appropriation (Consolidated Fund) Bill (No. 2) 2005	7 of 2005
Universities Legislation Amendment Bill 2005	8 of 2005
Rates and Charges (Rebates and Deferments) Amendment Bill 2005	9 of 2005

5. Petition

Hon Giz Watson presented a petition, by delivery to the Acting Clerk, [SO 130], from 1,010 residents of Western Australia requesting the Legislative Council investigate and recommend short and long term strategies to prevent cane toads becoming established in Western Australia. (Tabled paper 544).

Hon Giz Watson presented a petition, by delivery to the Acting Clerk, [SO 130], from 40 residents of Western Australia requesting the Legislative Council maintain Western Australia's status as a GM-free zone. (Tabled paper 545).

Hon Giz Watson presented a petition, by delivery to the Acting Clerk, [SO 130], from 159 residents of Western Australia requesting the Legislative Council investigate and evaluate the acceptability of a uranium mining industry in Western Australia. (Tabled paper 546).

6. Ministerial Statement - Appropriation (Consolidated Fund) Bill (No. 1) 2005 - Supplementary Information

The Minister for Education and Training made a Ministerial Statement with respect to Appropriation (Consolidated Fund) Bill (No. 1) 2005 - Supplementary Information.

The Minister for Education and Training tabled the supplementary information. (Tabled paper 547).

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

7. Papers

The following Papers were laid on the Table by -

Leader of the House

Annual Reports -

Potato Growing Industry Trust Fund Advisory Committee; Final Report (for the period 1 July 2004 to 31 January 2005) (Date received 20/04/2005)

Reports -

Report on the Remuneration of the Judges of the Court of Appeal (July 2005)

Minister for Education and Training

Budget Papers and Related Papers -

Quarterly Financial Results Report 2004-2005 (March 2005).....

Leases -

CALM Lease No. 1522/97 - Between CALM and the City of Wanneroo for Aeromodelling and Allied Recreational Activities

CALM Lease No. 2199/97 - Part of State Forest No. 14 Dwellingup - Between CALM and Lindwall Pty Ltd.....

Reports -

Racing and Wagering Western Australia - Statement of Corporate Intent (2004/5-2005/6)

Response to Reports -

Standing Committee on Public Administration and Finance - In relation to the Local Government Rating System and Distribution of Funds (Government response).....

Reviews -

Liquor Licensing Act 1988 - Report of the Independent Review Committee (May 2005).....

Report of the Minister for Racing and Gaming on the Review of the Liquor Licensing Act 1988 (July 2005).....

Minister for Education and Training on behalf of the Minister for Fisheries*Annual Reports -*

Land Surveyors Licensing Board (year ending 31 December 2004)
(Date received 20/07/2005).....

Parliamentary Secretary to the Minister for Planning and Infrastructure*Directions -*

Town Planning and Development Act 1928 - Ministerial Direction to the President of the State Administrative Tribunal

Ministerial Approvals -

East Perth Redevelopment Act 1991 - Sale of Lots 409 and 410, Newcastle Street Northbridge, to the Department of Education and Training.....

East Perth Redevelopment Act 1991 - Sale of Lot 503, corner of Money Street and Little Parry Street Northbridge, to Martin and Dorothy Colgan

Reports -

Bunbury Port Authority - Statement of Corporate Intent (2005-2006).....

Fremantle Ports - Statement of Corporate Intent (2005-2006).....

Geraldton port Authority - Statement of Corporate Intent (March 2005).....

Parliamentary Secretary representing the Minister for Planning and Infrastructure on behalf of the Parliamentary Secretary to the Minister for Health*Annual Reports -*

Council of the Pharmaceutical Society (year ended 31 December 2004)
(Date received 20/07/2005).....

8. Leave of Absence - Hon Jon Ford

The Leader of the House moved, without notice -

That leave of absence be granted to Hon Jon Ford for nine sitting days due to ill health.

Question - put and passed.

9. Clauses 1, 2, 3 and 7 to Schedule 1 of Standing Orders - Repeal and Substitution

The Leader of the House sought leave to withdraw Motion No. 32 - Schedule 1 of Standing Orders - Repeal and Substitution and substitute the following motion -

- (1) Clauses 1, 2, 3 and 7 to Schedule 1 of standing orders are repealed and the following substituted -
“

1. Legislation Committee

- 1.1 A *Legislation Committee* is established.
1.2 The Committee consists of 5 Members.
1.3 The functions of the Committee are to consider and report on any Bill referred by the House or under SO 125A.
1.4 Unless otherwise ordered -
(a) the policy of a Bill referred under subclause 1.3 may be considered by the Committee but only to the extent that the Committee is satisfied the provisions of the Bill, as referred, are consistent with that policy and that the legislative intent can be given practical effect;
(b) any amendment recommended by the Committee must be consistent with the policy of a Bill.
1.5 In this order “**policy of a Bill**” is its scope and purpose ascertained from the Bill’s provisions, but reference may be had to any document or statement or other information that may assist in clarifying the intended legislative effect or construing the application or interpretation of any provision.

2. Public Administration Committee

- 2.1 A *Public Administration Committee* is established.
2.2 The Committee consists of 5 Members.
2.3 The functions of the Committee are to inquire into and report on -
(a) the structure, efficiency and effectiveness of the system of public administration;
(b) the extent to which the principles of procedural fairness are embodied in any practice or procedure applied in decision making;
(c) the existence, adequacy, or availability, of merit and judicial review of administrative acts or decisions;
(d) any Bill or other matter relating to the foregoing functions referred by the House; and
(e) to consult regularly with the Parliamentary Commissioner for Administrative Investigations, the Public Sector Standards Commissioner, the Information Commissioner, and any person holding an office of a like character.
2.4 The Committee is not to make inquiry with respect to -
(a) the constitution, functions or operations of the Executive Council;
(b) the Governor’s establishment;

- (c) the constitution and administration of Parliament;
- (d) the judiciary;
- (e) a decision made by a person acting judicially;
- (f) a decision made by a person to exercise, or not exercise, a power of arrest or detention; or
- (g) the merits of a particular case or grievance that is not received as a petition.

3. Environment and Public Affairs Committee

- 3.1 *An Environment and Public Affairs Committee* is established.
- 3.2 The Committee consists of 5 Members.
- 3.3 The functions of the Committee are to inquire into and report on -
 - (a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;
 - (b) any Bill referred by the House; and
 - (c) petitions.
- 3.4 The Committee, where relevant and appropriate, is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecologically sustainable development and the minimisation of harm to the environment.
- 3.5 The Committee may refer a petition to another committee where the subject matter of the petition is within the competence of that committee.
- 3.6 In this order “**environment**” has the meaning assigned to it under section 3(1), (2) of the *Environmental Protection Act 1986*.

7. Uniform Legislation and Statutes Review Committee

- 7.1 *A Uniform Legislation and Statutes Review Committee* is established.
- 7.2 The Committee consists of 4 Members.
- 7.3 The functions of the Committee are -
 - (a) to consider and report on Bills referred under SO 230A;
 - (b) of its own motion or on a reference from a Minister, to consider or review the development and formulation of any proposal or agreement whose implementation would require the enactment of legislation made subject to SO 230A;
 - (c) to examine the provisions of any instrument that the Commonwealth has acceded to, or proposes to accede to, that imposes an obligation on the Commonwealth to give effect to the provisions of the instrument as part of the municipal law of Australia;
 - (d) to review the form and content of the statute book;
 - (e) to inquire into and report on any proposal to reform existing law that may be referred by the House or a Minister; and
 - (f) to consider and report on any matter referred by the House or under SO 125A.

- 7.4 For a purpose relating to the performance of its functions, the Committee may consult with a like committee of a House of the Parliament of the Commonwealth, a state or a territory, and New Zealand and similarly, may participate in any conference or other meeting.

- (2) Item 8 of Schedule 1 of the Standing Orders is amended by deleting “Standing Committee on Estimates and Financial Operations” and substituting “Estimates and Financial Operations Committee”.
- (3) Schedule 1 of the Standing Orders, as amended by Parts (1) and (2) of this motion, is to be amended by rearranging the clauses in alphabetical order by committee title and making such consequential cross referencing changes as are necessary.
- (4) The Committees now established under Schedule 1 may inquire into and report on those matters referred to, or initiated by, their predecessor committee and for that purpose may consider evidence and records relating to the same.
- (5) Standing Order 49(1)(c) is amended by deleting the words “under SO 313.1”.
- (6) Standing Order 310 is amended by deleting the words “and to the proceedings of a committee appointed under SO 313.1”.
- (7) Standing Order 230A(3) and (4) is amended by deleting reference to “*Uniform Legislation and General Purposes Committee*” wherever it appears and substituting “*Uniform Legislation and Statutes Review Committee*”.

Leave granted.

The Leader of the House sought leave to table and incorporate into *Hansard* the substituted Motion. (Tabled paper 548).

Leave granted.

The Leader of the House sought leave to table a document indicating the proposed amended Schedule 1 of Standing Orders should the substituted motion be agreed to.

Leave granted.

The Leader of the House tabled the proposed amended Schedule 1 of Standing Orders. (Tabled paper 549).

10. Motion No. 32 - Schedule 1 of Standing Orders - Repeal and Substitution

The Leader of the House moved, without notice -

That Motion No. 32, *Schedule 1 of Standing Orders - Repeal and Substitution* (as substituted) be made an Order of the Day for the next sitting.

Question - put and passed.

11. Leave of Absence - Hon Margaret Rowe

Hon Bruce Donaldson moved, without notice -

That leave of absence be granted to Hon Margaret Rowe for three sitting days due to ill health.

Question - put and passed.

12. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2005-2006

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Education and Training, That the Consolidated Fund Estimates 2005-2006 be noted.

Debate resumed.

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

13. Revenue Laws Amendment Bill 2005

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

Debate resumed.

14. Questions Without Notice

Questions without notice were taken.

The Leader of the House in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 2061 asked by Hon Norman Moore will be provided on August 25 2005.

The Minister for Agriculture and Forestry tabled lists of reviews, chairs, completion dates and costs relating to his portfolio in response to question on notice No. 1137 asked by Hon Ray Halligan. (Tabled paper 550).

The Leader of the House representing the Minister for Justice tabled lists of reviews, chairs, completion dates and costs relating to that portfolio in response to question on notice No. 1170 asked by Hon Ray Halligan. (Tabled paper 551).

The Leader of the House on behalf of the Minister for Fisheries in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 2059 asked by Hon Simon O'Brien will be provided in the near future.

The Leader of the House on behalf of the Minister for Fisheries representing the Minister assisting the Minister for Water Resources tabled lists of reviews, chairs, completion dates and costs relating to that portfolio in response to question on notice No. 1142 asked by Hon Ray Halligan. (Tabled paper 552).

The Leader of the House on behalf of the Minister for Fisheries representing the Minister for Consumer and Employment Protection tabled lists of reviews, chairs, completion dates and costs relating to that portfolio in response to question on notice No. 1140 asked by Hon Ray Halligan. (Tabled paper 553).

The Minister for Education and Training tabled documents in relation to funding under Youth Grants WA in response to question on notice No. 2510 asked by Hon Donna Taylor. (Tabled paper 554).

The Parliamentary Secretary representing the Minister for Housing and Works on behalf of the Parliamentary Secretary representing the Minister for Health tabled, and by leave incorporated into *Hansard*, documents in relation to access to Princess Margaret Hospital's Spasticity Management Program in response to a question without notice asked by Hon Simon O'Brien. (Tabled paper 555).

The 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. 2056 asked by Hon Norman Moore will be provided by Thursday, September 1 2005.

15. Revenue Laws Amendment Bill 2005

Debate resumed on the second reading of this Bill (cf item 13 above).

Question - put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Ray Halligan in the Chair)

Clause 1 agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5 agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8 agreed to.

Clause 9.

Debate ensued.

The Minister for Education and Training moved -

That further consideration of Clause 9 be postponed until after consideration of Clause 31.

Debate ensued.

Question - put and passed.

Clause 10.

Debate ensued.

Clause agreed to.

Clause 11.

Debate ensued.

Clause agreed to.

Clauses 12 to 19 agreed to.

Clause 20.

Debate ensued.

Interruption of Debate [SO 61(c)].

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.

16. Adjournment

The Minister for Education and Training moved, That the House do now adjourn.

Question - put and passed.

The House adjourned at 9.57pm until August 17 2005 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Nick Griffiths and Hon Sue Ellery.

Members granted Leave: Hon Jon Ford and Hon Margaret Rowe.

MALCOLM PEACOCK

Acting Clerk of the Legislative Council

HON GEORGE CASH

Deputy President of the Legislative Council