

WESTERN AUSTRALIA

## LEGISLATIVE COUNCIL

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### MINUTES OF PROCEEDINGS

No. 29

TUESDAY, 19 MAY 2009

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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. Message from His Excellency the Governor - Assent to Bills

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

14 May 2009 - Message No. 47	Act No.
Revenue Laws Amendment Bill (No. 3) 2008	3 of 2009
Fines, Penalties and Infringement Notices Enforcement Amendment (Compensation) Bill 2008	4 of 2009
Sentence Administration (Interstate Transfer of Community Based Sentences) Bill 2009	5 of 2009

#### 3. Petition

Hon Paul Llewellyn presented a petition from 629 petitioners requesting the Legislative Council oppose the Collie Shire Council's Town Planning Scheme No. 5 (TPS5) and Associated Planning Strategy. (Tabled paper 775).

#### 4. Ministerial Statement - Training WA: Planning for the future 2009-2018

The Minister for Training made a Ministerial Statement with respect to the Government's budget package of training initiatives set out in the *Training WA: Planning for the future 2009-2018* report.

The Minister for Training tabled a report entitled *Training WA: Planning for the future 2009-2018*. (Tabled paper 776).

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

**5. Standing Committee on Public Administration - Tenth Report - Inquiry into Statutory Office Holders' Grievance Procedures**

Hon Barry House presented the Tenth Report of the Standing Committee on Public Administration in relation to the *Inquiry into Statutory Office Holders' Grievance Procedures*. (Tabled paper 777).

Hon Barry House moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

**6. Standing Committee on Environment and Public Affairs - Sixteenth Report - Municipal Waste Management in Western Australia**

Hon Sheila Mills presented the Sixteenth Report of the Standing Committee on Environment and Public Affairs in relation to *Municipal Waste Management in Western Australia*. (Tabled paper 778).

Hon Sheila Mills moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

**7. Standing Committee on Estimates and Financial Operations - Twenty First Report - Report on the Inquiry into Public Sector Expenditure**

Hon Giz Watson presented the Twenty First Report of the Standing Committee on Estimates and Financial Operations in relation to the *Report on the Inquiry into Public Sector Expenditure* which comprises the Report of the Committee and a Minority Report of Hon Brian Ellis. (Tabled paper 779).

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

Question - put and passed.

Hon Giz Watson, by leave, made a Statement with respect to the *Inquiry into Public Sector Expenditure*.

**8. Fish Resources Management Amendment Regulations (No. 3) 2009 - Disallowance**

Hon Kim Chance: To move on the next day of sitting -

That the *Fish Resources Management Amendment Regulations (No. 3) 2009* published in the *Gazette* on 11 February 2009 and tabled in the Legislative Council on 18 March 2009 under the *Fish Resources Management Act 1994*, be and are hereby disallowed.

**9. Psychologists Amendment Regulations 2009 - Disallowance**

Hon Kim Chance: To move on the next day of sitting -

That the *Psychologists Amendment Regulations 2009* published in the *Gazette* on 6 March 2009 and tabled in the Legislative Council on 18 March 2009 under the *Psychologists Act 2005*, be and are hereby disallowed.

**10. City of Joondalup - Local Government and Public Property Amendment Local Law (No. 2) 2008 - Disallowance**

Hon Kim Chance: To move on the next day of sitting -

That the *City of Joondalup - Local Government and Public Property Amendment Local Law (No. 2) 2008* published in the *Gazette* on 13 January 2009 and tabled in the Legislative Council on 18 March 2009 under the *Local Government Act 1995*, be and is hereby disallowed.

**11. Southern Metropolitan Regional Council Standing Orders Local Law 2008 - Disallowance**

Hon Kim Chance: To move on the next day of sitting -

That the *Southern Metropolitan Regional Council Standing Orders Local Law 2008* published in the *Gazette* on 30 January 2009 and tabled in the Legislative Council on 18 March 2009 under the *Local Government Act 1995*, be and is hereby disallowed.

**12. City of Gosnells - Local Government Property Local Law 2009 - Disallowance**

Hon Kim Chance: To move on the next day of sitting -

That the *City of Gosnells - Local Government Property Local Law 2009* published in the *Gazette* on 24 February 2009 and tabled in the Legislative Council on 18 March 2009 under the *Local Government Act 1995*, be and is hereby disallowed.

**13. Metropolitan Region Scheme Amendment 1074/33 Leighton Beach and Environs - Disallowance**

Hon Kim Chance: To move on the next day of sitting -

That the *Metropolitan Region Scheme Amendment 1074/33 Leighton Beach and Environs* published in the *Gazette* on 10 March 2009 and tabled in the Legislative Council on 18 March 2009 under the *Planning and Development Act 2005*, be and is hereby disallowed.

**14. Matter of Urgency - Waterways Management - Highly Water-Soluble Phosphorous Fertilizer Use**

The President read the following letter -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that the Council consider, as a matter of urgency, the Government's failure to implement an effective plan to phase out the use of high water-soluble phosphorous fertilizers in the Swan River and other sensitive waterways throughout the South West.

Yours sincerely

Hon Sally Talbot  
Member for South West Region

Four members having risen in support.

Hon Sally Talbot moved the motion.

Debate ensued.

Motion lapsed.

**15. Suspension of Standing Orders**

The Leader of the House moved, without notice -

That so much of the Standing Orders be suspended as will enable the Leader of the House to move a Motion without Notice expressing appreciation for the contribution of retiring Members of the Legislative Council.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

## **16. Valedictory Remarks**

The Leader of the House moved, without notice -

That this House expresses its appreciation to retiring Members for their significant contribution to the Legislative Council and the State of Western Australia.

Debate ensued.

## **17. Questions Without Notice**

Questions without notice were taken.

The Minister for Transport tabled, and by leave incorporated into Hansard, documents in relation to the new public transport fares effective as at 1 July 2009 as outlined in the 2009-2010 State Budget in response to a question without notice asked by Hon Ken Travers. (Tabled paper 780).

The Parliamentary Secretary representing the Treasurer tabled, and by leave incorporated into Hansard, a table of forecast rates of interest for revenue and expenses provided by the Western Australian Treasury Corporation for the years 2009-10 to 2012-13 inclusive in response to a question without notice asked by Hon Batong Pham. (Tabled paper 781).

## **18. Valedictory Remarks**

Debate resumed on the motion of the Leader of the House (cf item No. 16 above).

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

## **19. Order of Business**

Ordered - That Orders of the Day Nos 2, *Children's Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, 3, *District Court (Fees) Amendment Regulations 2008 - Disallowance*, 4, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, and 5, *Supreme Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, be taken before Order of the Day No. 1, *Genetically Modified Crops Free Areas Exemption Order 2009 - Disallowance*. (Leader of the House).

## **20. Cognate Debate - Children's Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance, District Court (Fees) Amendment Regulations 2008 - Disallowance, Magistrates Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance, and Supreme Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance**

Hon Kim Chance sought leave of the House to debate Orders of the Day Nos 2, *Children's Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, 3, *District Court (Fees) Amendment Regulations 2008 - Disallowance*, 4, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, and 5, *Supreme Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance* cognately.

Leave granted.

## **21. Children's Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance, District Court (Fees) Amendment Regulations 2008 - Disallowance, Magistrates Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance, and Supreme Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance**

The Orders of the Day having been read, Hon Kim Chance, pursuant to notice, moved -

That the *Children's Court (Fees) Amendment Regulations (No. 2) 2008* published in the *Gazette* on 27 June 2008 and tabled in the Legislative Council on 12 November 2008 under the *Children's Court of Western Australia Act 1988*, be and are hereby disallowed; That the *District Court (Fees) Amendment Regulations 2008* published in the *Gazette* on 27 June 2008 and tabled in the Legislative Council on 12 November 2008 under the *District Court of Western Australia Act 1969*, be and are hereby disallowed; That the *Magistrates Court (Fees) Amendment Regulations (No. 2) 2008* published in the *Gazette* on 27 June 2008 and tabled in

the Legislative Council on 12 November 2008 under the *Magistrates Court Act 2004*, be and are hereby disallowed and That the *Supreme Court (Fees) Amendment Regulations (No. 2) 2008* published in the *Gazette* on 27 June 2008 and tabled in the Legislative Council on 12 November 2008 under the *Supreme Court Act 1935*, be and are hereby disallowed.

Debate ensued.

Hon Kim Chance, by leave, moved without notice -

That Order of the Day No. 2, *Children's Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

Hon Kim Chance, by leave, moved without notice -

That Order of the Day No. 3, *District Court (Fees) Amendment Regulations 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

Hon Kim Chance, by leave, moved without notice -

That Order of the Day No. 4, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

Hon Kim Chance, by leave, moved without notice -

That Order of the Day No. 5, *Supreme Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

## **22. Genetically Modified Crops Free Areas Exemption Order (No. 3) 2008 - Disallowance**

Hon Paul Llewellyn, pursuant to notice, moved -

That the *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2008* published in the *Gazette* on 28 November 2008 and tabled in the Legislative Council on 9 December 2008 under the *Genetically Modified Crops Free Areas Act 2003*, be and is hereby disallowed.

Debate ensued.

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

## **23. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.11pm until Wednesday, 20 May 2009 at 4.00pm.

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

Attendance: Present all Members.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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