

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

---

## MINUTES OF PROCEEDINGS

No. 40

THURSDAY, 25 JUNE 2009

---

### 1. Meeting of Council

The Council assembled at 11.00am pursuant to order.

The President, Hon Barry House, took the Chair and read prayers.

### 2. Statement by President - Legislative Council Chamber Refurbishment

The President made the following Statement -

I take this opportunity in thanking those Members who have provided feedback on the Chamber prototype desk and chairs. We have had a number of positive suggestions that we will try to incorporate into the design. I encourage Members to take the opportunity today to have another view of the desk and chairs to ensure it meets your needs. Due to time constraints this will be the last opportunity before the project proceeds to tender.

### 3. Petition

Hon Lynn MacLaren presented a petition from 209 petitioners requesting the Legislative Council support the completion of deep sewerage in Cockburn. (Tabled paper 911).

### 4. Ministerial Statement - Mental Health Services Review

The Parliamentary Secretary representing the Minister for Mental Health made a Ministerial Statement with respect to the launch of a comprehensive review into the State's mental health services and the development of the State Mental Health Policy and Strategic Plan 2010-20.

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

### 5. Paper

The following Paper was laid on the Table by -

#### President

*Auditor General's Papers -*

Second Public Sector Performance Report (Report No. 7) (June 2009) ..... 910

### 6. Order of Business

Ordered - That Bills for Introduction be now taken. (Leader of the House).

## **7. Fisheries Adjustment Schemes Amendment Bill 2009**

The Minister for Fisheries, pursuant to notice, moved -

That a Bill for “An Act to amend the *Fisheries Adjustment Schemes Act 1987*.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Fisheries moved, That the Bill be now read a second time.

Debate stands adjourned.

## **8. Suspension of Standing Orders**

The Leader of the House moved, without notice -

That so much of the Standing Orders be suspended as to enable Orders of the Day to be taken forthwith.

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.

## **9. Order of Business**

Ordered - That Orders of the Day Nos 1, *Genetically Modified Crops Free Areas Exemption Order (No. 2) 2009 - Disallowance*, 2, *City of Gosnells - Local Government Property Local Law 2009 - Disallowance*, 3, *City of Joondalup Cats Local Law 2008 - Disallowance*, and 4, *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009 - Disallowance*, be taken after Order of the Day No. 20, *Revenue Laws Amendment (Taxation) Bill 2009*. (Leader of the House).

## **10. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2009-2010**

The Order of the Day having been called, debate resumed on the motion of the Parliamentary Secretary representing the Treasurer, as follows -

That pursuant to Standing Order No. 49(1)(c) the Legislative Council take note of Tabled Paper No. 773A-H (2009-2010 Budget Statements), laid upon the Table of the House on 14 May 2009.

On the motion of the Leader of the House the debate was adjourned to a later stage of this day's sitting.

## **11. Cognate Debate - Appropriation (Consolidated Account) Recurrent 2009-10 Bill 2009 and Appropriation (Consolidated Account) Capital 2009-10 Bill 2009**

The Leader of the House sought leave of the House to debate Order of the Day No. 17, *Appropriation (Consolidated Account) Recurrent 2009-10 Bill 2009* and Order of the Day No. 18, *Appropriation (Consolidated Account) Capital 2009-10 Bill 2009* cognately [SO 228].

Leave granted.

## **12. Appropriation (Consolidated Account) Recurrent 2009-10 Bill 2009 and Appropriation (Consolidated Account) Capital 2009-10 Bill 2009**

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills.

Debate ensued.

*Statement by President*

The President made the following Statement -

Members, as this was the final inaugural speech, I would like to make a few brief comments. We have heard from 15 new Members, which is an extraordinarily high proportion of this chamber—nearly half the number of Members in the chamber. I congratulate all the new Members on the quality of their speeches. They have given us, and, through the Parliament, the community of Western Australia, an insight into a fascinating and interesting range of backgrounds; a refreshing range of skills, beliefs, interests and abilities; and a wide range of views, political issues and agendas to be pursued in this Parliament. It is worth reflecting on the 15 speeches that we have heard from the new Members. They represent many things to be admired about our system of representative parliamentary democracy. Where else in the world would a nation embrace and welcome such diversity into its primary institution, the Parliament? Our system of governance may have some critics, but I suggest that the calibre of our new Members' inaugural speeches reflects many strengths of our systems that far outweigh the weaknesses.

Once again, congratulations to all new Members. Welcome to the Legislative Council, and I wish you all the very best wishes for the thirty-eighth Parliament.

Debate resumed.

Hon Adele Farina, by leave, tabled a letter dated 27 May 2009 from the Shire of Collie to Hon Adele Farina in relation to State Budget Omissions 2009-10. (Tabled paper 912).

Hon Giz Watson sought leave to continue her remarks at a later stage of this day's sitting.

Leave granted.

Hon Wendy Duncan, by leave, tabled a document containing a graph depicting a comparison of State and Federal Local Government Fund Allocations. (Tabled paper 913).

Debate resumed.

### **13. Questions Without Notice**

Questions without notice were taken.

The Minister for Energy representing the Minister for Education tabled, and by leave incorporated into Hansard, an amended answer in relation to a response to question without notice No. 628 asked by Hon Helen Bullock. (Tabled paper 914).

### **14. Appropriation (Consolidated Account) Recurrent 2009-10 Bill 2009 and Appropriation (Consolidated Account) Capital 2009-10 Bill 2009**

Cognate debate resumed on the second reading of these Bills (cf item 12 above).

Hon Ken Travers sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

On the motion of Hon Ken Baston the debate was adjourned to a later stage of this day's sitting.

### **15. Sittings of the House**

The Leader of the House moved, without notice -

That the House continue to sit beyond 5.00pm.

Question - put and passed.

### **16. Appropriation (Consolidated Account) Recurrent 2009-10 Bill 2009 and Appropriation (Consolidated Account) Capital 2009-10 Bill 2009**

Cognate debate resumed on the second reading of these Bills (cf item 14 above).

Question - put and passed.

Bills read a second time.

Leave was granted to proceed forthwith to the third reading of these Bills.

The Leader of the House moved, That the Bills be now read a third time.

Question - put and passed.

Bills read a third time and passed.

# **17. Loan Bill 2009**

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

The Deputy President left the Chair.

---

## **In Committee**

(Hon Matt Benson-Lidholm in the Chair)

Clause 1.

Debate ensued.

The Leader of the House representing the Treasurer, by leave, tabled a document in relation to the 2009-10 Budget Projections. (Tabled paper 915).

The Leader of the House representing the Treasurer, by leave, tabled a summary, by major items, in relation to the 2009-10 Budget Aggregates. (Tabled paper 916).

Clause agreed to.

Clauses 2 to 5 agreed to.

Title agreed to.

---

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Leader of the House representing the Treasurer moved, That the Bill be now read a third time.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

# **18. National Gas Access (WA) Bill 2008**

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

The President left the Chair.

---

## **In Committee**

(Hon Matt Benson-Lidholm in the Chair)

Postponed Clause 22.

The Minister for Energy moved -

Page 18, line 10 — To delete “a review to be carried out” and insert —

a person, other than an officer of a department or body for which the Minister is responsible, to carry out a review

Debate ensued.

Amendment - put and passed.

The Minister for Energy moved -

Page 18, after line 26 — To insert —

- (2A) The person carrying out the review is to prepare and give to the Minister a report based on the review within sufficient time to enable the Minister to comply with subsection (3).

Amendment - put and passed.

The Minister for Energy moved -

Page 18, lines 27 to 31 — To delete the lines and insert —

- (3) The Minister is to prepare a response to the report and, as soon as is practicable after the response is prepared, and in any event not more than 12 months after the review day described in subsection (2), cause the report and the response to be laid before each House of Parliament.

Amendment - put and passed.

Clause, as amended, agreed to.

Title.

Debate ensued.

Title agreed to.

---

The President resumed the Chair.

Bill reported with amendments.

The Minister for Energy sought leave for the Report on the Bill to be adopted at this day's sitting.

Leave granted.

Report adopted.

The Minister for Energy moved, without notice -

That so much of the Standing Orders be suspended as would enable the third reading of the bill to be taken forthwith.

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.

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

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

**19. Special Adjournment**

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 11 August 2009 at 3.30pm.

Question - put and passed.

**20. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 6.38pm until Tuesday, 11 August 2009 at 3.30pm.

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

Attendance: Present all Members.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council