

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 20

TUESDAY, 7 APRIL 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. Ministerial Statement - Minerals and Petroleum - Exploration Incentive Scheme**

The Minister for Mines and Petroleum made a Ministerial Statement with respect to the Exploration Incentive Scheme (EIS) initiated by the Government to boost mineral and petroleum exploration in Western Australia.

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

**3. Ministerial Statement - Northbridge Project**

The Minister for Child Protection made a Ministerial Statement with respect to the operation of the Northbridge Project in keeping children safe on the streets in Northbridge after curfew.

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

**4. Papers**

The following Papers were laid on the Table by -

**Minister for Child Protection**

*Annual Reports -*

Co-operative Bulk Handling Group [CBH] 2008 (Date received 02/04/2009)..... 646

**Parliamentary Secretary representing the Minister for Water on behalf of the  
Parliamentary Secretary representing the Minister for Regional Development**

*Proposals -*

Land Administration Act 1997 - Submission No. 3/2009 - Change of purpose of A  
Class Reserve 20253 - Abrolhos Islands..... 647

Land Administration Act 1997 - Submission No. 4/2009 - Cancellation of Class B  
Reserve 34944 - Conservation of Flora and Fauna ..... 648

Land Administration Act 1997 - Submission No. 6/2009 - Excision of Land from  
Class A "Recreation" Reserve No. 12439 - Yanchep, City of Wanneroo ..... 649

**5. Standing Committee on Estimates and Financial Operations - Sixteenth Report - Interim Report - Public Sector Expenditure Inquiry: Request for a Member of the Legislative Assembly to appear before the Committee**

Hon Giz Watson presented the Sixteenth Report of the Standing Committee on Estimates and Financial Operations in relation to the *Interim Report - Public Sector Expenditure Inquiry: Request for a Member of the Legislative Assembly to appear before the Committee*. (Tabled paper 650).

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

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

**6. Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament - Extension of Reporting Time**

Hon George Cash presented a Report of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament seeking an extension of reporting time from 5 May 2009 to 7 May 2009. (Tabled paper 651).

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

Question - put and passed.

**7. Matter of Urgency - Deaths in Custody**

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 failure of successive governments to take all reasonable steps to prevent deaths in custody from occurring in Western Australia.

Yours sincerely

Hon Giz Watson

Member for North Metropolitan Region

Four members having risen in support.

Hon Giz Watson moved the motion.

Debate ensued.

Motion lapsed.

**8. Revenue Laws Amendment Bill (No. 3) 2008**

The President reported the receipt of Message No. 17 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 an Explanatory Memorandum relating to the Bill. (Tabled paper 652).

On the motion of Hon Ed Dermer the debate was adjourned to the next sitting.

**9. Order of Business**

Ordered - That Orders of the Day Nos 31, *City of Armadale - Signs Amendment Local Law 2008 - Disallowance*, 32, *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2008 - Disallowance*, 35, *Road Traffic (Authorisation to Drive) Regulations 2008 - Disallowance*, 41, *Waste*

*Avoidance and Resource Recovery Regulations 2008 - Disallowance, 42, Waste Avoidance and Resource Recovery Levy Regulations 2008 - Disallowance, 48, Electricity Networks Access Code Amendments (No. 2) 2008 - Disallowance, 49, Genetically Modified Crops Free Areas Exemption Order 2009 - Disallowance, 57, Children's Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance, 58, District Court (Fees) Amendment Regulations 2008 - Disallowance, 59, Magistrates Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance, 60, State Administrative Tribunal Amendment Regulations 2008 - Disallowance, 61, Supreme Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance, 62, Shire of Meekatharra - Dogs Local Law 2007 - Disallowance, and 63, Industrial Training Legislation Amendment Regulations 2008 - Disallowance, be taken after Order of the Day No. 28, Water Services Licensing (Water Conservation Target) Amendment Bill 2008. (Leader of the House).*

#### **10. Address-In-Reply**

The Order of the Day having been read for the adjourned debate on the amendment of Hon Sue Ellery as follows -

But regrets to inform Your Excellency that the Government has failed to adequately address a number of serious issues affecting Western Australia.

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

#### **11. Local Government Amendment Bill 2009**

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 George Cash in the Chair)

New Clause 32.

Hon Paul Llewellyn moved -

Page 19, after line 5 — To insert the following new clause —

#### **32. Section 5.96 inserted**

After section 5.96 insert:

##### **5.96A Misuse of certain information**

- (1) A person, after obtaining under section 5.96 copies of the information referred to in paragraphs (m) or (s) of section 5.94, must:
  - (a) only use the information for the purpose which that person originally undertook was the purpose for which the information was to be used;
  - (b) not copy the information or give it to any other person; and
  - (c) return the copies provided by the local government to that same local government, or destroy the copies after using them for the purpose which that person originally undertook was the purpose for which the information was to be used.
- (2) A member of the council or candidate shall only use information received by them under section 4.42 for the purposes of the relevant election. After the relevant election results are declared, unsuccessful candidates and members

of the council who have not been re-elected shall either return the relevant copies to the local government, or destroy the copies within a reasonable time.

- (3) Subject to subsection (4), a person who fails to comply with subsections (1) or (2) commits an offence.

Penalty: \$1 000.

- (4) A person who fails to comply with subsections (1) or (2) in circumstances that involved use of the relevant information for a commercial purpose commits an offence.

Penalty: \$10 000.

Debate ensued.

Amendment - put and negatived.

Title agreed to.

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The President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Training 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.

## **12. Treasurer's Advance Authorisation Bill 2009**

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

Debate ensued.

## **13. Questions Without Notice**

Questions without notice were taken.

The Minister for Energy representing the Minister for Police tabled, and by leave incorporated into Hansard, documents in relation to the use of radar detecting devices in Western Australia in response to a question without notice asked by Hon Nigel Hallett. (Tabled paper 653).

The Minister for Transport representing the Minister for Health tabled documents in relation to letters received by the Minister from the Wamba Nilgee Burru Ngardu Derby Men's Service in response to question on notice No. 344 asked by Hon Giz Watson. (Tabled paper 654).

The Minister for Mines and Petroleum tabled documents in relation to proven and probable gas reserves and resources, by field, in Western Australia in response to question on notice No. 416 asked by Hon Giz Watson. (Tabled paper 655).

The Minister for Energy representing the Minister for Education tabled documents in relation to details of the Minister for Education's office staff in response to question on notice No. 319 asked by Hon Ljiljanna Ravlich. (Tabled paper 656).

The Minister for Child Protection tabled documents in relation to the Department of Child Protection's total funded full time equivalent (FTE) employee allocation by directorate and district as at 31 January 2009 in response to question on notice No. 410 asked by Hon Sue Ellery. (Tabled paper 657).

The Minister for Child Protection tabled documents in relation to the Department of Child Protection's full time equivalent (FTE) number on permanent contract and on fixed term contract as at 31 January 2009 in response to question on notice No. 411 asked by Hon Sue Ellery. (Tabled paper 658).

**14. Treasurer's Advance Authorisation Bill 2009**

Debate resumed on the second reading of this Bill (cf item 12 above).

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

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**In Committee**

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

The Parliamentary Secretary representing the Treasurer moved, That progress be reported and leave asked to sit again.

Question - put and passed.

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The Deputy President resumed the Chair.

The 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.

**15. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.39pm until Wednesday, 8 April 2009 at 4.00pm.

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

Attendance: Present all Members except Hon Shelley Archer and Hon Adele Farina.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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