

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 15

WEDNESDAY, 18 MARCH 2009

1. Meeting of Council

The Council assembled at 4.00pm pursuant to order.

The President, Hon Nick Griffiths, took the Chair and read prayers.

2. Petitions

Hon Matt Benson-Lidholm presented a petition from 69 petitioners, requesting the Legislative Council to support the maintenance of Western Australia as a Genetically Modified (GM) Free Zone. (Tabled paper 582).

Hon Adele Farina presented a petition from one petitioner, requesting the Legislative Council to support Dalyellup Beach Estate bushland being dedicated primarily to conservation. (Tabled paper 583).

Hon Brian Ellis presented a petition from 257 petitioners, requesting the Legislative Council to support the introduction of a passenger rail service between Perth and Geraldton. (Tabled paper 584).

3. Statement - Sittings of the House - Friday, 22 May 2009

The Leader of the House made a Ministerial Statement with respect to arrangements for the swearing-in of new Members of the Legislative Council at a special sitting of the House on Friday, 22 May 2009.

4. Ministerial Statement - Metropolitan Regional Scheme Amendment 1074/33 - Leighton Beach and Environs (City of Fremantle and the Towns of Mosman Park and Cottesloe)

The Minister for Child Protection representing the Minister for Planning made a Ministerial Statement with respect to Metropolitan Region Scheme Amendment No. 1074/33.

The Minister for Child Protection representing the Minister for Planning tabled plans of Metropolitan Regional Scheme Amendment 1074/33 - Leighton Beach and Environs (City of Fremantle and the Towns of Mosman Park and Cottesloe). (Tabled paper 585).

The Minister for Child Protection representing the Minister for Planning tabled a Report on Submissions and Transcript of Hearings in relation to Metropolitan Regional Scheme Amendment 1074/33 - Leighton Beach and Environs (City of Fremantle and the Towns of Mosman Park and Cottesloe). (Tabled paper 586).

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

5. Ministerial Statement - Protecting the Kimberley - Development of the Kimberley Science and Conservation Strategy

The Minister for Environment made a Ministerial Statement with respect to conservation management in the Kimberley region.

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

6. Papers

The following Papers were laid on the Table by -

President

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7. Electricity Networks Access Code Amendments (No. 2) 2008 - Disallowance

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

That the *Electricity Networks Access Code Amendments (No. 2) 2008* published in the *Gazette* on 22 October 2008 and tabled in the Legislative Council on 25 November 2008 under the *Electricity Industry Act 2004*, be and are hereby disallowed.

8. Kimberley Liquefied Natural Gas Precinct

Hon Jon Ford: To move on the next day of sitting -

- (1) That this House expresses its concern at the comments made by the Premier to the Committee for Economic Development Australia Conference on Tuesday, 3 March 2009 in which he referred to a proposed LNG precinct to the north of Broome and stated -

“...we are proceeding in developing an LNG precinct to the north of Broome. That's not the spectacular part of the Kimberley coast, it's flat tableland, no people living within probably 30 or 40 kilometres of the area.That's important, we're trying to do that by negotiation, the timetable is the end of this month. If we can't do it by negotiation, the State will resume the land. I'll do that reluctantly, but we will do it. We will not hold up economic development and we will not deny the people of the Kimberley – and particularly the Aboriginal people – the opportunity from some economic independence and some economic security.”

- (2) This House calls on the Premier to -
 - (a) explain how he can claim to be negotiating in good faith when he put on public record that if he doesn't get a negotiated outcome he will resume the land to develop an LNG precinct to the north of Broome; and

- (b) explain why he is presenting a veiled threat to indigenous people in respect of this matter and whether this is a sign of things to come.

9. Freedom of Information Process

Hon Ljiljanna Ravlich: To move on the next day of sitting -

That this House condemns the Premier for failing to honour his election commitment to review the manner in which Departments are administering the Freedom of Information (FOI) process, to ensure that the Government is accountable and open in accordance with the spirit of the FOI Act and calls on the Premier to explain why he has allowed a culture of arrogance, secrecy and of deliberately keeping information from the public to develop among his Cabinet Ministers when dealing with FOI requests.

10. Fremantle Port - Lead Exports

Hon Sally Talbot: To move on the next day of sitting -

- (1) That this House condemns the Minister for Environment and the Minister for Mines for their lack of openness and accountability in relation to their decision to allow lead to be transported through 22 suburbs in the metropolitan area on its way to Fremantle and calls on both Ministers to explain why they have not made all details in relation to lead shipments public.
- (2) That this House also calls on the Minister for Environment to explain why, since environmental approval was given by her for Magellan Metals to transport containerised lead carbonate through suburbs to the Fremantle Port, so little has been revealed to the thousands of families living in and around suburbs along the proposed transport route.

11. Lobbyists Register

Hon Ljiljanna Ravlich: To move on the next day of sitting -

That this House condemns the Premier for breaking a key election commitment on accountability by not introducing legislation to create a public register for lobbyists in his first 100 days of government, and calls on the Premier to explain –

- (a) why he has not met this commitment and when will he introduce legislation to create a public register for lobbyists;
- (b) how the proposed legislation will be applied to different classes of lobbyists, consultants, consultant-lobbyists, in-house corporate consultants and in-house lobbyists employed by organizations;
- (c) what are the registration requirements for lobbyists before being permitted to be on the register -
 - (i) business registration details;
 - (ii) names of owners;
 - (iii) partner and major shareholders; and
 - (iv) names and positions of those employed and the names of their clients;
- (d) what is the set of principles of ethical conduct relating to a lobbyist before being placed on the register;
- (e) what will be the reporting requirements of lobbyists, including but not limited to -
 - (i) what has to be reported;
 - (ii) when it has to be reported;
 - (iii) who will lobbyists be required to report to; and
 - (iv) whether or not any lobbyists will be banned from being placed on the register and who they might be;

- (f) the means by which a lobbyist can be removed from the Register;
- (g) the appeal mechanisms for a lobbyist who is removed from the register; and
- (h) the frequency that the code will be reviewed and who will have the responsibility for such a function.

12. Public Sector Expenditure - New Government Agencies

Hon Ljiljanna Ravlich: To move on the next day of sitting -

- (1) That this House condemns the Premier as Minister for Public Sector Management for wasting taxpayers' money in creating new government agencies, boards, committees and taskforces, at the same time as asking agencies to find savings of three percent resulting in the cuts to front-line services in health, education and law and order.
- (2) That this House calls on the Premier to explain why a three percent savings target is not a "big ask" for government agencies, as he stated to the recent Committee for Economic Development Australia conference, given that the 2009-2010 mid-year review projected no savings but an expense growth of 13%.

13. Ministerial Offices - Staffing

Hon Ljiljanna Ravlich: To move on the next day of sitting -

That this House condemns the Premier and his Ministers for breaking the Premier's promise on the staffing cap in ministerial offices and calls on the Premier to explain how he can expect government agencies to cap their staff numbers while at the same time he condones the growth in staff numbers in ministerial offices, and calls on the Premier to -

- (a) reaffirm his commitment to the promise he made during the election campaign to cap the number of staff in ministerial offices at 150 full time equivalent; and
- (b) explain why he is amongst the worst offenders with his current staffing level of 17 employees and a driver rather than the 8.8 FTEs that he is entitled to under his own election promise.

14. Media Consultant Appointments

Hon Ljiljanna Ravlich: To move on the next day of sitting -

That this House condemns the Premier as the Minister for Public Sector Management for using tender arrangements as a way of hiring a media consultant for more than a year on a six figure salary, while avoiding the scrutiny of the public sector staffing cap, thereby making a mockery of his promise to cut public spending on both media and consultants; and calls on the Premier to explain -

- (a) why he is hiring consultants to promote the Liberal Party at a time when he is cutting staff in crucial areas such as health, education, and law and order;
- (b) why he is hiring consultants at the same time as the Treasurer announced cuts to Government spending on both marketing and media and the use of consultants in the Mid-Year Review in December;
- (c) why Coulter Consulting has been engaged using a tender on a three month \$25,344 contract, with the Government having an option to keep extending the contract until April 2010, given that the Government recently appointed, as Head of the Government Media Office (GMO), Mr Paul Plowman; and
- (d) whether or not he has lost confidence in Mr Plowman, who was hired to run the GMO on a six figure salary on the basis that he is a highly qualified media professional.

15. Renewable Energy Technologies - Gross Feed-in Tariff

Motion No. 7 having been called.

Hon Paul Llewellyn continued his introductory remarks in moving the following motion -

That this House calls on the Western Australian Government to introduce a State-based comprehensive gross feed-in tariff for renewable energy technologies.

16. Questions Without Notice

Questions without notice were taken.

President's Ruling

The President ruled that a question asked by Hon Ken Travers of the Parliamentary Secretary representing the Treasurer was, on his preliminary view, out of order as it contained matters not related to the role of the Parliamentary Secretary. The President undertook to give the matter further consideration, and provide a final ruling to the House at the earliest opportunity.

The Minister for Mines and Petroleum tabled documents in relation to details of the Minister for Mines and Petroleum's office staff, in response to question on notice No. 80 asked by Hon Sally Talbot. (Tabled paper 587).

The Minister for Transport representing the Attorney General tabled documents in relation to details of the Attorney General's office staff, in response to question on notice No. 116 asked by Hon Sally Talbot. (Tabled paper 588).

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. 101 asked by Hon Sally Talbot. (Tabled paper 589).

The Minister for Child Protection tabled documents in relation to details of the Minister for Child Protection's office staff, in response to question on notice No. 87 asked by Hon Sally Talbot. (Tabled paper 590).

The Minister for Child Protection representing the Minister for Agriculture and Food tabled documents in relation to details of the Minister for Agriculture and Food's office staff, in response to question on notice No. 123 asked by Hon Sally Talbot. (Tabled paper 591).

The Minister for Environment tabled documents in relation to details of the Minister for the Environment's office staff, in response to question on notice No. 90 asked by Hon Sally Talbot. (Tabled paper 592).

The Parliamentary Secretary representing the Minister for Water tabled documents in relation to details of the Minister for Water's office staff, in response to question on notice No. 118 asked by Hon Sally Talbot. (Tabled paper 593).

The Parliamentary Secretary representing the Minister for Lands tabled documents in relation to details of all crown land located within the Shire of Busselton, in response to question on notice No. 173 asked by Hon Adele Farina. (Tabled paper 594).

17. Renewable Energy Technologies - Gross Feed-in Tariff

Continuation of introductory remarks of Hon Paul Llewellyn (cf item 15 above).

Interruption of Debate [SO 195].

18. Order of Business

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

19. Veterinary Surgeons Amendment Bill 2009

The Minister for Child Protection representing the Minister for Agriculture and Food, pursuant to notice, moved -

That a Bill for “An Act to amend the *Veterinary Surgeons Act 1960*.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Child Protection representing the Minister for Agriculture and Food moved, That the Bill be now read a second time.

Debate stands adjourned.

20. Order of Business

Ordered - That Orders of the Day Nos 21, *Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2008 - Disallowance*; 31, *City of Armadale - Signs Amendment Local Law 2008 - Disallowance*; and 32, *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2008 - Disallowance*, be taken after Order of the Day No. 27, *Occupational Safety and Health Amendment Bill 2009*. (Leader of the House).

21. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the Address-in-Reply.

Debate resumed.

Hon Sue Ellery, by leave, tabled letters from the Acting Deputy Under Treasurer to agencies regarding the implementation of the three percent efficiency dividend and the 2009-10 Budget process. (Tabled paper 595).

Hon Sue Ellery moved, without notice -

That the motion be amended by the addition of the following words to the motion -

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

Debate ensued.

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

22. Electoral Amendment (Miscellaneous) Bill 2008

The Order of the Day having been read for the consideration of the Committee’s report upon this Bill.

The Leader of the House moved, That the report be adopted.

Question - put and passed.

The Leader of the House 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 in Committee, and reported.

Questions - put and passed.

Bill read a third time and passed.

23. Prisoners (Interstate Transfer) Amendment Bill 2009

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

Debate ensued.

Question - put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

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

Question - put and passed.

Bill read a third time and passed.

24. 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 19 March 2009 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Shelley Archer and Hon Batong Pham.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council