

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 161

WEDNESDAY, 26 SEPTEMBER 2007

1. Meeting of Council

The Council assembled at 4.00pm pursuant to order.

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

2. Papers

The following Papers were laid on the Table by -

Acting President

Annual Reports -

Corruption and Crime Commission (2006-2007) (Date received 25/09/2007) 3179

Parliamentary Services Department (2006-2007) (Date received 26/09/2007)..... 3180

Auditor General's Papers -

Audit Opinion - Financial Statements and Key Performance Indicators (Year ended 30 June 2007) for the Administration of the Department of the Legislative Assembly 3181

Fourth Public Sector Performance Report (Report No. 9) (September 2007) (Date received 26/09/2007) 3182

Leader of the House

Annual Reports -

Coal Industry Superannuation Board (2006-2007) (Date received 25/09/2007)..... 3183

Governor's Establishment (2006-2007) (Date received 26/09/2007)..... 3184

Mid West Development Commission (2006-2007) (Date received 25/09/2007)..... 3185

Minerals and Energy Research Institute of Western Australia [MERIWA] (2006-2007) (Date received 25/09/2007)..... 3186

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Treaty on Extradition between Australia and the State of the United Arab Emirates (Hobart, 26 July 2007)..... 3187

Treaty between Australia and the State of the United Arab Emirates on Mutual Legal Assistance in Criminal Matters (Hobart, 26 July 2007) 3188

Orders -

Genetically Modified Crops Free Areas Act 2003 (Genetically Modified Crops Free Areas Exemption Order (No. 3) 2007 G.G. 18/09/2007).....	3189
---	------

Minister for Local Government*Annual Reports -*

Building and Construction Industry Training Board (2006-2007) (Date received 25/09/2009)	3190
Goldfields-Esperance Development Commission (2006-2007) (Date received 25/09/2007)	3191
Insurance Commission (2006-2007) (Date received 25/09/2007).....	3192
Racing Penalties Appeal Tribunal (2006-2007) (Date received 25/09/2007)	3193

Regulations -

Betting Control Act 1954 (Betting Control Amendment Regulations (No. 3) 2007 G.G. 18/09/2007) ..	3194
Racing and Wagering Western Australia Act 2003 (Racing and Wagering Western Australia Amendment Regulations 2007 G.G. 18/09/2007)	3195

Rules -

Racing and Wagering Western Australia Act 2003 (Rules of Wagering Amendment Rules 2007 G.G. 18/09/2007)	3196
--	------

Statutes -

Murdoch University Act 1973 (Murdoch University - Amending Statute No. 5 - Academic Council G.G. 21/09/2007 and Murdoch University - Amending Statute No. 17 - Guild of Students G.G. 21/09/2007).....	3197
--	------

Minister for Regional Development*Regulations -*

Surveillance Devices Act 1998 (Surveillance Devices Amendment Regulations 2007 G.G. 21/09/2007).....	3198
---	------

Minister for Child Protection*Local Laws -*

Health Act 1911 (Shire of Wiluna Health Local Laws 2007 G.G. 17/09/2007).....	3199
---	------

Notices -

Health Act 1911 (Shire of Northam - Fees and Charges G.G. 21/09/2007)	3200
---	------

Parliamentary Secretary representing the Minister for Planning and Infrastructure*Leases -*

Quokka Arms Hotel, Rottnest Island - Lease Agreement between the Rottnest Island Authority and Garrett Hospitality Pty Ltd.....	3201
--	------

3. Commission on Government - Call for Establishment

Motion No. 53 having been called, debate resumed on the motion of Hon Giz Watson as follows -

That in the light of evidence presented to the Corruption and Crime Commission concerning lobbying and alleged public sector misconduct, this House calls upon the Government to establish a second Commission on Government to -

- (1) Audit the implementation of the first Commission on Government's recommendations and consider whether further implementation is required;

- (2) Consider whether alternative or additional reforms to those proposed by the first Commission on Government are required to prevent corrupt, illegal or improper conduct by public officials (including State Members of Parliament, Local Government Councillors and employees of State and Local Governments);
- (3) Carry out its inquiries in an open and participatory manner; and
- (4) Report to both Houses of Parliament within one year from establishment of the Commission.

4. Questions Without Notice

Questions without notice were taken.

The Minister for Local Government representing the Minister for Housing and Works tabled a report on the condition of the roof and guttering at Lynwood Senior High School, in response to a question without notice asked by Hon Simon O'Brien. (Tabled paper 3202).

The Leader of the House in accordance with Standing Order No 138(d), tabled a summary of questions on notice Nos 5094 to 5368 asked by Hon Ray Halligan and advised that answers will be provided when they become available. (Tabled paper 3203).

The Minister for Local Government in accordance with Standing Order No 138(d), advised that answers to questions on notice Nos 5082 and 5093 asked by Hon Giz Watson will be provided on 16 October 2007.

The Minister for Regional Development in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 5091 asked by Hon Murray Criddle will be provided on 27 September 2007.

The Minister for Regional Development representing the Minister for Police and Emergency Services tabled, and by leave incorporated into Hansard, an answer in relation to the *Young Offenders Act 1994* and 'anti-hoon' laws, in response to a question without notice asked by Hon Ray Halligan. (Tabled paper 3204).

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. 5086 asked by Hon Robyn McSweeney will be provided by 16 October 2007.

5. Commission on Government - Call for Establishment

Debate resumed on the motion of Hon Giz Watson (cf item 3 above).

Interruption of Debate [SO 195].

6. Cognate Debate - Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2007 - Disallowance and Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2007 - Disallowance

Hon Simon O'Brien sought leave of the House to debate Order of the Day No. 456, *Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2007 - Disallowance* and Order of the Day No. 457, *Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2007 - Disallowance* cognately.

Leave granted.

7. Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2007 - Disallowance and Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2007 - Disallowance

Pursuant to SO 152(b) the following motions were moved *pro forma* by Hon Simon O'Brien -

That the *Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2007* published in the *Gazette* on 22 June 2007 and tabled in the Legislative Council on 27 June 2007 under the

Road Traffic Act 1974, and the Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2007 published in the Gazette on 22 June 2007 and tabled in the Legislative Council on 27 June 2007 under the Motor Vehicle Drivers Instructors Act 1963, be and are hereby disallowed.

Debate ensued.

On the question, That the *Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2007* be disallowed.

Question - put.

The House divided.

Ayes (11)

Hon George Cash
Hon Brian Ellis
Hon Donna Faragher
Hon Anthony Fels
Hon Nigel Hallett
Hon Barry House

Hon Robyn McSweeney
Hon Norman Moore
Hon Simon O'Brien
Hon Barbara Scott
Hon Bruce Donaldson (*Teller*)

Noes (14)

Hon Matt Benson-Lidholm
Hon Vincent Catania
Hon Kim Chance
Hon Murray Criddle
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford

Hon Graham Giffard
Hon Paul Llewellyn
Hon Sheila Mills
Hon Louise Pratt
Hon Ljiljanna Ravlich
Hon Giz Watson
Hon Ed Dermer (*Teller*)

Question thus negatived.

On the question, That the *Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2007* be disallowed.

Question - put and negatived.

8. State Superannuation Amendment Bill 2007

The Order of the Day having been read for the third reading of this Bill.

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

The Acting President having reported that the Deputy 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.

9. Water Resources Legislation Amendment Bill 2006

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

The Acting President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 112.

Debate ensued.

Clause agreed to.

Clause 113 agreed to.

Clause 114.

Debate ensued.

The Hon Paul Llewellyn moved -

Page 41, after line 14 — To insert —

“

(4) In performing the Minister’s functions under this section —

- (a) the Minister is to have regard to water recycling and efficient water use measures when planning the development of new water resources; and
- (b) the Minister is to promote decision making processes that involve public consultation.

”.

Interruption of Debate [SO 61(c)].

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.

10. Adjournment

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

Question - put and passed.

The House adjourned at 9.56pm until Thursday, 27 September 2007 at 11.00am.

Members present during the day’s proceedings

Attendance: Present all Members except Hon Shelley Archer and Hon Nick Griffiths.

Member granted leave: Hon Sally Talbot.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON GEORGE CASH
Acting President of the Legislative Council