

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**

**DAILY NOTICE PAPER**

**No. 7**

**WEDNESDAY, APRIL 27 2005, 4.00pm**

ORDER OF BUSINESS

Petitions, Statements by Ministers and Parliamentary Secretaries, Papers for Tabling, Notices of Questions, Notices of Motions for Disallowance, Notices of Motions to Introduce Bills, Notices of Motions, Questions without Notice, Motions Without Notice, Motions and Orders of the Day.

*Electronic version available on the Parliament's Internet site at [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au)*

**MOTIONS**

**1. Labour Relations Regulatory Framework** (*Notice given March 29 2005*)

Continuation of remarks Hon George Cash - mins 37 (Wednesday, April 6 2005) on the amendment of Hon Ray Halligan as follows -

After the last line of the motion to insert the following -

Even though the content of the Federal legislation is excellent and contains measures that it would be advisable for the Western Australian Parliament to enact. However, in view of the disastrous approach by the Gallop Government to workplace relations, the House is thankful for the existence of the Commonwealth Industrial Relations system for without it the Western Australian economy, especially the resources area would be in a disastrous situation,

to the motion of Hon Louise Pratt as follows -

That this House calls on the Federal Government to acknowledge the right of the State of Western Australia to maintain our State based labour relations regulatory framework, including -

- (a) the right of Western Australia to enact and enforce its own statutes dealing with industrial relations for the betterment of Western Australian workers, employers and the general community;

- (b) the historical role and scope of the Western Australian Industrial Relations Commission; and
- (c) labour relations policies which offer an alternative from Commonwealth regimes.

**2. Rally Australia** (*Notice given March 29 2005*)

Hon Norman Moore: To move -

That this House, in expressing its amazement that a West Australian Government would relinquish the rights to hold Rally Australia in Western Australia, calls on the State Government to immediately acknowledge that its decision was a temporary error of judgment and advise the World Rally governing body -

- (1) That this State wishes to continue holding the event in Western Australia into the foreseeable future; and
- (2) That common sense will prevail in the future.

**3. Select Committee into Fisheries - Establishment** (*Notice given March 29 2005*)

Hon Murray Criddle: To move -

- (1) That a Select Committee of three Members is appointed, any two of whom constitute a quorum, to inquire and report on the effectiveness of the Fish Resources Management Act 1994 in conserving, developing and sharing the fish resources of the State for the benefit of present and future generations and including the ability -
  - (a) to conserve fish and to protect their environment;
  - (b) to ensure that the exploitation of fish resources is carried out in a sustainable manner;
  - (c) to enable the management of fishing and associated industries, aquatic eco-tourism and other tourism reliant on fishing;
  - (d) to foster the development of commercial and recreational fishing for community or commercial purposes;
  - (e) to achieve the optimum economic, social and other benefits from the use of fish resources;
  - (f) to enable the allocation of fish resources between users of those resources;
  - (g) to enable the management of fish habitat protection areas and the Abrolhos Islands reserve.
- (2) The Committee have power to send for persons, papers and records and to travel from place to place.
 

Standing Orders 322, 323, 330 and 331 apply to the proceedings of the Committee and any contrary or inconsistent provision of Chapter XXIII is modified accordingly.
- (3) The Committee may present interim reports without a requirement for leave and is to report finally not later than November 24 2005.

**4. Adjournment of the House** (*Notice given March 29 2005*)

Hon Peter Foss: To move -

That the House on its rising on the May 5 2005 adjourn until Tuesday, May 17 2005.

**5. Climate Change in Western Australia** (*Notice given March 29 2005*)

Hon Louise Pratt: To move -

That this House calls on the Federal Government to provide the communities of Western Australia with the appropriate resources to deal with the likelihood of real and significant climate change, including -

- (a) the allocation of increased levels of research funding to address likely changes to Western Australia's climactic systems;
- (b) ratification of the Kyoto Protocol by the Commonwealth which considers and addresses Western Australia's position as a resource driven economy; and
- (c) programs of public education which address the likely need for future public adaptation and responses to climate change.

**6. Select Committee into Power Supply Failures - Establishment** (*Notice given March 29 2005*)

Hon Peter Foss: To move -

- (1) A committee of three members is appointed.
- (2) The committee's powers and procedure are the same as those of a committee established under Chapter XXII the provisions of which apply with such modifications or adaptations as may be required.
- (3) With respect to power supply failures that occurred in the Perth metropolitan area on or about March 10, 11 2005, the committee is to inquire into and report on -
  - (a) the locations affected;
  - (b) the actual number of supply failures that occurred and the immediate cause or causes of each;
  - (c) the extent to which those causes were already known or reasonably foreseeable immediately before the supply failures occurred;
  - (d) the content and timeliness of any information about the supply failures, including their anticipated duration, and the forms used to publish any information to consumers and the general public;
  - (e) the preparedness and availability of human and other resources to identify and remedy the causes of each supply failure compared with actual response times;
  - (f) effect of the supply failures on the several groups of consumers and the extent (if any) to which those effects, or their severity, might have been avoided or mitigated;

any matter otherwise relevant to those specified.
- (4) In this order -
 

**“supply failure”** is any unscheduled interruption in the continuous supply of electricity to a consumer attributable to -

  - (a) a failure in the plant or equipment used in the generation or the transmission of electricity to that consumer the cause of which is beyond a consumer's control or prior knowledge;
  - (b) human error;

**“consumer”** is a person or body whose purchase of electricity is for a domestic, commercial or industrial purpose and not for resale.

**7. Road Traffic Code Amendment - Rule 205** (*Notice given March 29 2005*)

Hon Peter Foss: To move -

That, pursuant to section 42(4)(a) of the *Interpretation Act 1984*, the *Road Traffic Code* is amended by deleting Rule 205 that provides -

“ A person shall not play any game on any part of a road. ”,  
and, if so resolved, the Legislative Assembly be requested to pass a similar resolution.

**9. Standing Committee on Public Administration and Finance - Western Australian Planning Commission** (*Notice given March 30 2005*)

Hon Simon O'Brien: To move -

That the Standing Committee on Public Administration and Finance be directed to inquire into the procedures, practices and conduct of the Western Australian Planning Commission in relation to applications for the sub-division of Lots including, but not limited to, instances where approvals are given against the advice of the relevant Local Government and/or the sub-division contravenes the relevant Town Planning Scheme, and any related issues the Committee considers appropriate.

**10. Standing Committee on Public Administration and Finance - Appointment of Mr Jim Ahearn to Port of Broome** (*Notice given March 30 2005*)

Hon John Fischer: To move -

That the Standing Committee on Public Administration and Finance be required to inquire into and report to the House on the circumstances behind the appointment of Mr Jim Ahearn to the position of CEO of the Port of Broome and the reason not to extend the contract of the previous CEO, Mr Stefan Frodsham.

**11. Select Committee into the Department of Justice and Prisoner Escapes** (*Notice given April 6 2005*)

Hon Simon O'Brien: To move -

- (1) A committee of three Members is appointed.
- (2) The Committee's powers and procedure are the same as those of a committee established under Chapter XXII the provisions of which apply with such modifications or adaptations as may be required.
- (3) The Committee is required to inquire into and report on the extent to which -
  - (a) the Premier;
  - (b) the Attorney General;
  - (c) the Minister for Justice; and
  - (d) any other Minister of the Gallop Government,
 were involved in decisions which resulted in inappropriate prisoner classification, including but not limited to, Paul Keating and Brian Edwards.
- (4) The Committee is required to inquire into and report on the extent to which Government policy and budgetary considerations have impacted upon the Department of Justice.
- (5) The Committee is required to inquire into and report on the policies and decisions of the Gallop Government with specific reference to the Department of Justice that have resulted in community safety being put at risk, including but not limited to -
  - (a) the consequences resulting from the abolition of sentences of less than six months;

- (b) staffing issues, including but not limited to -
  - (i) the excessive work load on Community Corrections Offices; and
  - (ii) the inadequate number of prison staff on duty at minimum security prisons, especially at night;
- (c) the sexual assaults by Paul Keating;
- (d) prisoner escapes, including -
  - (i) the Supreme Court escapes of June 2004;
  - (ii) Brian Edwards;
  - (iii) Paul Cross;
  - (iv) Michael Moir; and
  - (v) Matthew Winmar;
- (e) the following matters relating to persons sentenced by the Courts to custody or supervision -
  - (i) security classification;
  - (ii) assessment for sentence management and planning;
  - (iii) details of custody arrangements;
  - (iv) recommendation for parole;
  - (v) approval for pre-release for life and governor's pleasure prisoners;
  - (vi) reclassification of security of life and governor's pleasure prisoners;
  - (vii) release to parole;
  - (viii) supervision on parole; and
  - (ix) declaring a breach of parole;
- (f) whether there has been any change in the -
  - (i) basis for classifying of prisoners for security rating;
  - (ii) length of time spent at a minimum security prison for a serious crime;
  - (iii) declaring of a breach of parole;
  - (iv) Forensic Case Management Team for assessment of repeat sex offenders; and
  - (v) number or proportion of officers supervising prisoners of a particular security rating, either generally or at a particular time of the day information provided to the Attorney General or Minister for Justice with regard to high profile/high risk prisoners and prisoners requiring Executive Council approval for transfer or parole and the reasons for those changes;
- (g) responses by the Department of Justice to breaches of its systems and in particular its response to the breach of security of the Total Offender Management System including at the Bunbury Regional Prison and towards those persons who would be affected by that breach;
- (h) the use of the Special Handling Unit at Casuarina Prison and its rate of occupancy;
- (i) the number of executive positions within the department that have not been filled or have been filled on a temporary basis and the amount of time those appointments have been outstanding;

- (j) the adequacy of perimeter fencing at minimum-security prisons; and
- (k) the handling of prisoners with mental health issues within the prison system.

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### MOTIONS FOR DISALLOWANCE

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1. **Ningaloo Marine Park (Alteration of Boundaries) Order 2004** (*Notice given April 7 2005 moves pro forma on April 28 2005*)

Hon Norman Moore: To move -

That the *Ningaloo Marine Park (Alteration of Boundaries) Order 2004* published in the *Gazette* on November 30 2004 and tabled in the Legislative Council on April 5 2005 under the *Conservation and Land Management Act 1984*, be and is hereby disallowed. (Tabled paper 79).

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### ORDERS OF THE DAY

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1. **Address-in-Reply**

Resumption of debate adjourned Hon Bruce Donaldson (Tuesday, April 26 2005), on motion of Hon Louise Pratt.

3. **Statute Law Revision Bill 2005 [LC 032-1] Leader of the House**

Second reading adjourned Hon Bruce Donaldson (Thursday, March 31 2005).

6. **Constitution Amendment Bill 2005 [LC 001-1] Leader of the House**

Second reading adjourned (Wednesday, March 30 2005).

7. **Public Notaries Amendment Bill 2005 [LC 008-1] Leader of the House**

Second reading continuation of remarks Hon Peter Foss (Thursday, April 7 2005).

8. **Royal Commissions (Powers) Amendment Bill 2005 [LC 010-1] Leader of the House**

Second reading adjourned (Wednesday, March 30 2005).

11. **Trans-Tasman Mutual Recognition (Western Australia) Bill 2005 [LC 015-1B] Leader of the House**

Second reading (Thursday, March 31 2005). (SO 230A applies until April 29 2005).

10. **Integrity of Parliamentary Process Bill 2005 [LC 002-1] Hon Peter Foss**

Second reading adjourned (Wednesday, March 30 2005).

13. **Oaths, Affidavits and Statutory Declarations Bill 2005 [LC 004-1] Leader of the House**

Second reading adjourned (Wednesday, April 6 2005).

**14. Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Bill 2005**  
*[LC 005-1] Leader of the House*

Second reading adjourned (Wednesday, April 6 2005).

**15. One Vote One Value Bill 2005** *[LA 033-1] Leader of the House*

Second reading adjourned (Thursday, April 7 2005).

**16. Amendment to Standing Order 61(a) - Sitting Times** *(Notice given April 6 2005)*

Leader of the House: To move -

Standing Order 61(a) is repealed and the following is substituted -

“

**61. Days and times of meeting**

- (a) Unless otherwise ordered, the Council is to meet in any week for the despatch of business on Tuesday at 2.30pm, Wednesday at 12 noon and Thursday at 11.00am.

”.

**17. Temporary Sitings** *(Notice given April 6 2005)*

Continuation of remarks Hon Ray Halligan - mins 43 (Tuesday, April 26 2005) on the amendments of Hon Norman Moore as follows -

Line 2 - After “2005,” - To insert “the question on a motion under SO 129 that would permit”.

Line 2 - To delete the words “the Leader of the House may -”.

Lines 3 and 5 - To delete the word “require”.

Line 7 - After “Minister” - To insert “is to be resolved without amendment or debate”,

to the motion of the Leader of the House as follows -

In the period that ends with the adjournment of the House on the sitting day immediately preceding May 22 2005, the Leader of the House may -

- (a) require the House to sit beyond 10.00pm on any Tuesday or Wednesday or 5.00pm on any Thursday; and  
 (b) require the House to meet on any Friday at a specified time,

for the sole purpose in either case of dealing with Government business specified by the Leader of the House or a Minister.

**18. Joint Standing Committee on Corruption and Crime Commission** *(April 7 2005)*

Consideration of Legislative Assembly Message No. 3 as follows -

Mr President

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution -

“

In accordance with the Legislative Assembly Standing Orders 289 to 293 a Joint Standing Committee on the Corruption and Crime Commission, consisting of two members of the Assembly and two members of the Council, be appointed.

”.

and seeks the concurrence of the Legislative Council.

Legislative Assembly Standing Orders 289 to 293 (Terms of Reference) are attached as Appendix A.

Diane Guise  
Deputy Speaker

Legislative Assembly Chamber  
Perth, 7 April 2005

*Appendix A*

*Legislative Assembly Standing Orders 289 to 293 (Terms of Reference)*

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## **JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION**

### **Appointment**

289. At the commencement of every Parliament, a Joint Standing Committee on the Corruption and Crime Commission will be appointed by resolution of the Assembly and forwarded to the Council for its concurrence.

### **Functions**

290. It is the function of the Joint Standing Committee to -

- (a) monitor and report to Parliament on the exercise of the functions of the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission;
- (b) inquire into, and report to Parliament on the means by which corruption prevention practices may be enhanced within the public sector; and
- (c) carry out any other functions conferred on the Committee under the *Corruption and Crime Commission Act 2003*.

### **Membership**

291. The Joint Standing Committee will consist of four members, of whom -

- (a) two will be members of the Assembly; and
- (b) two will be members of the Council.

### **Reports**

292. A report of the Joint Standing Committee will be presented to the Assembly and the Council by members of the Joint Standing Committee nominated by it for that purpose.

### **Certain Standing Orders to apply**

293. Without limiting the effect of anything in Standing Orders 289 to 292, the Standing Orders of the Assembly relating to standing and select committees will be followed as far as they can be applied.

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**COMMITTEE REPORTS AND MINISTERIAL STATEMENTS**

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- 3. Education Initiatives - Ministerial Statement** *Minister for Education and Training (Given March 30 2005)*

Consideration.

- 12. National Review of the Rail Safety Act 1998 - Ministerial Statement and Tabled Paper** *Parliamentary Secretary to the Minister for Planning and Infrastructure (Given April 5 2005)*

Consideration. *See Tabled paper No. 223.*

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**MATTERS REFERRED TO COMMITTEES**

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- 3. Petition - Kimberley Water Project** *(Tabled April 26 2005) Hon Robin Chapple (106 signatures)*

Requesting the Legislative Council investigate alternatives to acquiring water from the Kimberley Region. *See Tabled paper No 264.*

\* For amendments see Supplementary Notice Paper and/or Committee Report  
For a list of all Petitions tabled see cumulative Tabled Paper list.

**L B MARQUET**  
Clerk of the Legislative Council