

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 159

THURSDAY, 20 SEPTEMBER 2007

1. Meeting of Council

The Council assembled at 11.00am pursuant to order.

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

2. Papers

The following Papers were laid on the Table by -

President

Annual Reports -

Corruption and Crime Commission of Western Australia - Report under the
Telecommunications (Interception and Access) Act 1979
(Date received 19/09/2007) 3148

Corruption and Crime Commission of Western Australia - Surveillance Devices Act
1998 (2006-2007) (Date received 19/09/2007) 3149

Minister for Local Government

Annual Reports -

Lotterywest (2006-2007) (Date received 19/09/2007) 3150

Local Laws -

Dog Act 1976 (Shire of Boddington Dogs Amendment Local Law 2007 G.G. 07/09/2007) 3151

Local Government Act 1995 (City of Bayswater - Activities on Thoroughfares and Trading in
Thoroughfares and Public Places Amendment Local Law 2006 G.G. 14/09/2007, Shire of
Bridgetown-Greenbushes - Activities on Thoroughfares and Trading in Thoroughfares and
Public Places Amendment Local Law 2007 G.G. 11/09/2007, Shire of Cue Repeal Local Law
2007 G.G. 11/09/2007, and Shire of Gnowangerup Repeal Local Law 2007 G.G. 07/09/2007)..... 3152

Minister for Regional Development

Management Plans -

Fish Resources Management Act 1994 (West Coast Rock Lobster Fishery Management Plan
Amendment 2007 [831] G.G. 04/09/2007)..... 3153

Orders -

Fish Resources Management Act 1994 (Prohibition on Fishing by Line from Fishing Boats (Pilbara Waters) Amendment Order 2007 [806] G.G. 04/09/2007 and Prohibition on Fishing (Diving) Amendment Order 2007 [836] G.G. 04/09/2007)	3154
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Regulations -

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 7) 2007 G.G. 04/09/2007)	3155
Weapons Act 1999 (Weapons Amendment Regulations 2007 G.G. 11/09/2007).....	3156

Minister for Child Protection*Annual Reports -*

Workcover (2006-2007) (Date received 19/09/2007)	3157
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Local Laws -

Health Act 1911 (Health Local Laws 2007 G.G. 07/09/2007 and Shire of Koorda - Fees and Charges G.G. 11/09/2007).....	3158
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Regulations -

Nurses and Midwives Act 2006 (Nurses and Midwives Regulations 2007 G.G. 11/09/2007)	3159
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Minister for Child Protection on behalf of the Parliamentary Secretary representing the Treasurer*Regulations -*

Land Tax Assessment Act 2002 (Land Tax Assessment Amendment Regulations (No. 2) 2007 G.G. 04/09/2007).....	3160
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3. Joint Standing Committee on the Corruption and Crime Commission - Thirtieth Report - Annual Report 2006-2007

Hon Ken Travers presented the Thirtieth Report of the Joint Standing Committee on the Corruption and Crime Commission - Annual Report 2006-2007. (Tabled paper 3161).

Hon Ken Travers moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

4. Mooring Amendment Regulations 2007 - Disallowance

Hon Simon O'Brien: To move on the next day of sitting -

That the *Mooring Amendment Regulations 2007* published in the *Gazette* on 12 June 2007 and tabled in the Legislative Council on 27 June 2007 under the *Shipping and Pilotage Act 1967*, be and are hereby disallowed.

5. Kojarena Satellite Ground Station - Expanded Function

Motion No. 54 having been called, debate resumed on the motion of Hon Giz Watson as follows -

That this House -

- (1) Notes that the Federal Government has announced an expanded function of the joint US spy satellite ground station at Kojarena near Geraldton.
- (2) Notes that this expanded function will coordinate US military operations in the Middle East and Asia, making this the most significant military encroachment into Australia since signing of the Pine Gap Treaty of 1966.

- (3) Condemns the Federal Government for committing to this expanded function without consulting with the people of Western Australia, the City of Geraldton and the Premier.

Question - put and negatived.

6. Commission on Government - Call for Establishment

Motion No. 53 having been called, Hon Giz Watson pursuant to notice, moved -

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.

Debate ensued.

Interruption of Debate [SO 195].

7. Consideration of Committee Reports

Pursuant to Standing Orders for the consideration of Committee Reports.

In Committee

(Hon Graham Giffard in the Chair)

Joint Standing Committee on the Corruption and Crime Commission - Report No. 16 - Joint Standing Committee on the Corruption and Crime Commission to Continue After Dissolution of Parliament - Committee Report

The Order of the Day having been called, Hon Ray Halligan moved, That the Report be noted.

Question - put and passed.

Standing Committee on Uniform Legislation and Statutes Review - Report No. 16 - Interim Report in Relation to the Intergovernmental Agreement on the Reform of Commonwealth - State Financial Relations - Committee Report

The Order of the Day having been called, Hon Norman Moore moved, That consideration be postponed until the next sitting.

Question - put and passed.

Joint Standing Committee on Delegated Legislation - Report No. 21 - Strata Titles General Amendment Regulations (No. 4) 2006 - Committee Report

The Order of the Day having been called, Hon Ray Halligan moved, That the Report be noted.

Want of Quorum

There not being a quorum present, the Deputy Chairman of Committees gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

Question - put and passed.

Joint Standing Committee on the Corruption and Crime Commission - Report No. 17 - Inquiry into the Future Operation of Witness Protection Programmes in WA - Interim Report of ACC Reports into the Death of a Protected Witness - Committee Report

The Order of the Day having been called, Hon Ray Halligan moved, That the Report be noted.

Interruption of Debate [SO 61A].

The Deputy President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee of the Whole House had considered the -

- (1) Joint Standing Committee on the Corruption and Crime Commission - Sixteenth Report - Joint Standing Committee on the Corruption and Crime Commission to Continue After Dissolution of Parliament - Committee Report and had noted same.
- (2) Joint Standing Committee on Delegated Legislation - Report No. 21 - Strata Titles General Amendment Regulations (No. 4) 2006 - Committee Report and had noted same.
- (3) Joint Standing Committee on the Corruption and Crime Commission - Report No. 17 - Inquiry into the Future Operation of Witness Protection Programmes in WA - Interim Report of ACC Reports into the Death of a Protected Witness - Committee Report, made progress, and asked leave to sit again.

Report adopted.

8. Order of Business

Ordered - That Orders of the Day Nos 456, *Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2007 - Disallowance* and 457, *Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2007 - Disallowance*, be taken after Order of the Day No. 300, *Sunset Hospital Site Bill 2006*. (Leader of the House).

9. State Superannuation Amendment Bill 2007

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

The Deputy President left the Chair.

In Committee

(Hon Ray Halligan in the Chair)

Clause 63.

Hon George Cash moved -

Page 68, after line 3 — To insert —

“

- (7) The Treasurer is to cause a copy of —
 - (a) the WSS transfer order; and
 - (b) the actuarial certificate referred to in subsection (3); and
 - (c) any other actuarial advice received by the Treasurer in relation to the assets and liabilities to be assigned by operation of section 60D; and
 - (d) the order made under subsection (1),

to be laid before each House of Parliament or dealt with under section 78 within 3 working days after the order made under subsection (1) is published in the *Gazette*.

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 64 to 70 agreed to.

Clause 71.

Hon George Cash moved -

Page 84, after line 10 — To insert —

“

- (6) The Treasurer is to cause a copy of —
- (a) the separation order; and
 - (b) the actuarial certificate referred to in subsection (3); and
 - (c) any other actuarial advice received by the Treasurer in relation to —
 - (i) the assets to be allocated by operation of section 75M(a); or
 - (ii) the assets and liabilities to be assigned by operation of section 75N,
 - (d) the order made under subsection (1),

to be laid before each House of Parliament or dealt with under section 78 within 3 working days after the order made under subsection (1) is published in the *Gazette*.

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 72 to 84 agreed to.

Clause 85.

The Minister for Government Enterprises moved -

Page 99, lines 18 to 24 — To delete the lines and substitute —

“

- (2) Schedule 2 item 16 is deleted

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 86 to 89 agreed to.

Title.

Debate ensued.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

Ordered - That consideration of the Committee's Report be made an Order of the Day for the next sitting.

10. Water Resources Legislation Amendment Bill 2006

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

Debate resumed.

Question - put and passed.

Bill read a second time.

The Leader of the House moved, That consideration in committee be made an Order of the Day for a later stage of this day's sitting.

Question - put and passed.

11. Questions Without Notice

Questions without notice were taken.

The Leader of the House in accordance with Standing Order No 138(d), tabled a list of outstanding questions on notice Nos 5039 to 5044, 5048, 5056, 5060, 5065, 5066 and 5070 to 5072 asked by Hon Helen Morton, and advised that they will be answered, where possible, when the answers become available. (Tabled paper 3162).

The Acting Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 5014 asked by Hon Norman Moore will be provided by 16 October 2007.

12. Water Resources Legislation Amendment Bill 2006

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

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

Interruption of Debate [SO 61(c)].

The Acting 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.

13. Petroleum Amendment Bill 2007

The Acting President reported the receipt of Message No. 249 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Resources moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House representing the Minister for Resources moved, That the Bill be now read a second time.

Debate stands adjourned.

14. Judges' Salaries and Pensions Amendment Bill 2007

The Deputy President reported the receipt of Message No. 250 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House on behalf of the Minister for Child Protection representing the Attorney General moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House on behalf of the Minister for Child Protection representing the Attorney General moved, That the Bill be now read a second time.

Debate stands adjourned.

15. Standing Committee on Estimates and Financial Operations - Attendance Request

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 251

In response to Legislative Council Message No. 170, the Legislative Assembly acquaints the Legislative Council -

That this House gives leave to the Member for Murdoch to attend before the Legislative Council Standing Committee on Estimates and Financial Operations in relation to its inquiry into the Memorandum of Understanding between Balga Senior High School and Manufacturing Industry Training Services Pty Ltd, if he thinks fit.

Mrs D.J. Guise

Deputy Speaker

Legislative Assembly Chamber

Perth, 20 September 2007

16. Fiona Stanley Hospital Construction Account Bill 2007

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 252

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendment made by the Legislative Council in the *Fiona Stanley Hospital Construction Account Bill 2007*.

Mrs J. Hughes

Acting Speaker

Legislative Assembly Chamber

Perth, 20 September 2007

17. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 5.29pm until Tuesday, 25 September 2007 at 3.30pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Murray Criddle, Hon Bruce Donaldson, Hon Kate Doust, Hon Adele Farina, Hon Paul Llewellyn, Hon Robyn McSweeney and Hon Louise Pratt.

Member granted leave: Hon Sally Talbot.

MALCOLM PEACOCK

Acting Clerk of the Legislative Council

HON NICK GRIFFITHS

President of the Legislative Council