

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 162

THURSDAY, 27 SEPTEMBER 2007

1. Meeting of Council

The Council assembled at 11.00am pursuant to order.

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

2. Petitions

Hon Barbara Scott presented a petition from 2 205 residents of Western Australia requesting the Legislative Council oppose the commercial exploitation of women, men, girls and boys as proposed through the legalisation of brothels by the *Prostitution Amendment Bill 2007*. (Tabled paper 3251).

Hon Giz Watson presented a petition from 1 453 residents of Western Australia requesting the Legislative Council support the Coalition to Investigate the Persecution of Falun Gong (CIPFG). (Tabled paper 3252).

3. Ministerial Statement - Forest Products Act 2000 - Review

The Minister for Forestry made a Ministerial Statement with respect to the Statutory Review of the *Forest Products Act 2000*.

The Minister for Forestry tabled the Statutory Review of the *Forest Products Act 2000* Final Report (November 2006). (Tabled paper 3253).

The Minister for Forestry tabled the Government Response to the Statutory Review of the *Forest Products Act 2000* (September 2007). (Tabled paper 3254).

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

4. Ministerial Statement - Department for Child Protection - Annual Report

The Minister for Child Protection made a Ministerial Statement with respect to child protection in Western Australia.

The Minister for Child Protection tabled the Annual Report of the Department for Child Protection 2006-2007. (Tabled paper 3229).

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

5. Papers

The following Papers were laid on the Table by -

Acting President

Annual Reports -

Legislative Council, Department of (2006-2007) (Date received 27/09/2007)..... 3205

Leader of the House

Annual Reports -

Agriculture and Food, Department of (2006-2007) (Date received 26/09/2007)..... 3206

Agriculture Practices Board (2006-2007) (Date received 26/09/2007)..... 3207

Bunbury Water Board [AQWEST] (2006-2007) (Date received 26/09/2007)..... 3208

Great Southern Development Commission (2006-2007) (Date received 26/09/2007) 3209

Institute of Sport [WAIS] (2006-2007) (Date received 26/09/2007) 3210

Potato Marketing Corporation (2006-2007) (Date received 26/09/2007) 3211

Premier and Cabinet, Department of (2006-2007) (Date received 26/09/2007) 3212

Sport and Recreation, Department of (2006-2007) (Date received 26/09/2007)..... 3213

Veterinary Surgeons' Board (2006-2007) (Date received 26/09/2007) 3214

Wheatbelt Development Commission (2006-2007) (Date received 26/09/2007) 3215

Minister for Local Government

Annual Reports -

Burswood Park Board (2006-2007) (Date received 26/09/2007)..... 3216

Gaming and Wagering Commission (2006-2007) (Date received 26/09/2007)..... 3217

Liquor Commission (For the year ended 30 June 2007) (Date received 26/09/2007) 3218

Local Government and Regional Development, Department of (2006-2007)
(Date received 26/09/2007) 3219

Racing, Gaming and Liquor, Department of (2006-2007) (Date received 26/09/2007) 3220

State Government Insurance Corporation (2006-2007) (Date received 26/09/2007)..... 3221

Minister for Regional Development

Annual Reports -

Fire and Emergency Services Superannuation Board (2006-2007)
(Date received 26/09/2007) 3223

Fisheries, Department of (2006-2007) (Date received 26/09/2007)..... 3224

Gascoyne Development Commission (2006-2007) (Date received 26/09/2007) 3225

Kimberley Development Commission (2006-2007) (Date received 26/09/2007)..... 3226

Pilbara Development Commission (2006-2007) (Date received 26/09/2007) 3227

Supervised Release Review Board (2006-2007) (Date received 26/09/2007) 3228

Reports -

Report on official travel to the United States of America 3222

Minister for Child Protection

Annual Reports -

Communities, Department for (2006-2007) (Dated received 26/09/2007).....	3230
Mentally Impaired Accused Review Board (2006-2007) (Dated received 26/09/2007)	3231
Prisoners Review Board (For the period 28 February 2007 - 30 June 2007) (Date received 26/09/2007)	3232
Public Advocate, Office of the (2006-2007) (Date received 26/09/2007)	3233

Parliamentary Secretary representing the Deputy Premier

Annual Reports -

Economic Regulation Authority (2006-2007) (Date received 26/09/2007)	3234
Native Title, Office of (2006-2007) (Date received 26/09/2007).....	3235
State Supply Commission (2006-2007) (Date received 26/09/2007)	3236
Treasury and Finance, Department of (2006-2007) (Date received 26/09/2007).....	3237
Treasury Corporation (2006-2007) (Date received 26/09/2007)	3238

Parliamentary Secretary representing the Deputy Premier on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure

Annual Reports -

Consumer and Employment Protection, Department of (2006-2007) (Date received 26/09/2007)	3239
Disability Services Commission (2006-2007) (Date received 26/09/2007)	3240
Land Valuers Licensing Board (2006-2007) (Date received 26/09/2007)	3241
Real Estate and Business Agents Supervisory Board (2006-2007) (Date received 26/09/2007)	3242
Rottnest Island Authority (2006-2007) (Date received 26/09/2007)	3243
Settlement Agents Supervisory Board (2006-2007) (Date received 26/09/2007)	3244
Tourism Western Australia (2006-2007) (Date received 26/09/2007)	3245

Parliamentary Secretary representing the Deputy Premier on behalf of the Parliamentary Secretary representing the Minister for the Environment

Annual Reports -

Botanic Gardens and Parks Authority (2006-2007) (Date received 26/09/2007).....	3246
Marine Parks and Reserves Authority (2006-2007) (Date received 26/09/2007)	3247
Peel Development Commission (2006-2007) (Date received 26/09/2007)	3248
Swan River Trust (2006-2007) (Date received 26/09/2007)	3249
Zoological Parks Authority (2006-2007) (Date received 26/09/2007)	3250

6. Standing Committee on Environment and Public Affairs - Tenth Report - Overview of Petitions

Hon Bruce Donaldson presented the Tenth Report of the Standing Committee on Environment and Public Affairs in relation to an Overview of Petitions. (Tabled paper 3255).

Hon Bruce Donaldson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

7. Standing Committee on Estimates and Financial Operations - Tenth Report - Annual Hearings in Relation to the Budget Estimates 2007-2008

Hon Giz Watson presented the Tenth Report of the Standing Committee on Estimates and Financial Operations in relation to the Annual Hearings in Relation to the Budget Estimates 2007-2008. (Tabled paper 3256).

Hon Giz Watson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

8. Standing Committee on Public Administration - Sixth Report - Interim Report of the Inquiry into the Governance of Western Australia's Water Resources

Hon Barry House presented the Sixth Report of the Standing Committee on Public Administration, an Interim Report of the Inquiry into the Governance of Western Australia's Water Resources. (Tabled paper 3257).

Hon Barry House moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

9. Health, Education and Law and Order - Crises

Hon Ray Halligan: To move on the next day of sitting -

That this House condemns the government for refusing to acknowledge that over its terms in office it has contributed to the crises continuing to plague our communities in the areas of health, education and law and order.

10. 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.

Interruption of Debate [SO 195].

11. Order of Business - Standing Orders Suspension

The Leader of the House moved, without notice -

That so much of the Standing Orders be suspended as will enable Hon Louise Pratt to make her valedictory speech.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

12. Hon Louise Pratt - Valedictory Speech

Pursuant to the foregoing motion, Hon Louise Pratt gave her valedictory speech.

13. Consideration of Committee Reports

Pursuant to Standing Orders for the consideration of Committee Reports.

In Committee

(Hon George Cash in the Chair)

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 called.

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 continued his introductory remarks in moving, That the Report be noted.

Question - put and passed.

Standing Committee on Environment and Public Affairs - Report No. 6 - Overview of Petitions - Committee Report

The Order of the Day called.

Standing Committee on Environment and Public Affairs - Report No. 7 - A Petition into the Proposed Marina at Point Peron - Committee Report

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

Debate ensued.

Want of Quorum

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

A quorum being formed, the debate continued.

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

Standing Committee on Legislation - Report No. 6 - Annual Report 2006 - Committee Report

The Order of the Day called.

Standing Committee on Public Administration - Report No. 3 - Annual Report 2006 - Committee Report

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

Question - put and passed.

Interruption of Debate [SO 61A].

The Acting President resumed the Chair.

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

- (1) 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 and had noted same.

- (2) Standing Committee on Environment and Public Affairs - Report No. 7 - A Petition into the Proposed Marina at Point Peron - Committee Report, made progress, and asked leave to sit again.
- (3) Standing Committee on Public Administration - Report No. 3 - Annual Report 2006 - Committee Report and had noted same.

Report adopted.

14. Order of Business

Ordered - That Order of the Day No. 484, *Mooring Amendment Regulations 2007 - Disallowance*, be taken after Order of the Day No. 372, *Equal Opportunity Amendment Bill 2006*. (Leader of the House).

15. 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 114.

Debate resumed on the amendment of Hon Paul Llewellyn, as follows -

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.

”.

The Leader of the House moved to amend the amendment by inserting in proposed subclause (4)(b) after the word “Minister” the following words -

“ , where appropriate, ”.

Amendment to the amendment - put and passed.

Amendment, as amended, agreed to.

Debate ensued.

The Leader of the House moved -

Page 45, lines 23 and 24 — To delete “section 66 of the *Financial Administration and Audit Act 1985*” and insert instead —

“ Part 5 of the *Financial Management Act 2006* ”.

Page 51, lines 21 and 22 — To delete “*Financial Administration and Audit Act 1985*” and insert instead —

“ *Financial Management Act 2006* ”.

Amendments - put and passed.

Debate ensued.

The Leader of the House moved -

Page 51, line 24 — To delete “Part II Division 14” and insert instead —

“ Part 5 ”.

Amendment - put and passed.

Debate ensued.

Clause, as amended, agreed to.

Clauses 115 to 140 agreed to.

Clause 141.

Debate ensued.

Hon Norman Moore moved -

Page 66, lines 6 and 7 - To delete the lines.

Page 67, lines 19 and 20 - To delete the lines.

Debate ensued.

Hon Norman Moore, by leave, withdrew his amendments.

The Leader of the House moved -

Page 69, lines 4 and 5 — To delete “section 66 of the *Financial Administration and Audit Act 1985*” and insert instead —

“ Part 5 of the *Financial Management Act 2006* ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 142 to 147 agreed to.

Clause 148.

Debate ensued.

16. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection representing the Minister for Health tabled, and by leave incorporated into Hansard, an answer in tabular form in relation to advertising costs for various public education campaigns, in response to a question without notice asked by Hon Donna Faragher. (Tabled paper 3307).

The Leader of the House representing the Minister for Energy tabled an answer in relation to the Office of Energy’s committees, the chair of each committee, the duration and expected costs, in response to question on notice No. 5250 asked by Hon Ray Halligan. (Tabled paper 3308).

The Leader of the House in accordance with Standing Order No 138(d), tabled a summary of questions on notice Nos 5420, 5425, 5426 and 5427 asked by Hon Helen Morton and advised that answers will be provided when they become available. (Tabled paper 3309).

The Minister for Regional Development tabled an answer in relation to new schools, replacement schools and locations of schools that have closed since 2001; and Expenditure in country schools from 2001-2002 to 2006-2007 inclusive, in response to question on notice No. 5091 asked by Hon Murray Criddle. (Tabled paper 3310).

The Minister for Child Protection representing the Minister for Health tabled an answer in relation to agencies, name of each position and number of exceptions under the *Equal Opportunity Act 1984*, in response to question on notice No. 5408 asked by Hon Helen Morton. (Tabled paper 3311).

The Parliamentary Secretary representing the Minister for the Environment tabled an approval in relation to the lease for the Quokka Arms Hotel, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 3312).

17. Ministerial Statement - Late Tabling of Annual Reports 2006-2007

The Leader of the House, by leave, made a Ministerial Statement with respect to the late tabling of Annual Reports for the financial year 2006-2007.

18. Tabling of Annual Reports

The Leader of the House, by leave, tabled the following Annual Reports -

Annual Reports -

Animal Resources Authority (2006-2007) (Date received 27/09/2007)	3258
Armadale Redevelopment Authority (2006-2007) (Date received 27/09/2007)	3259
Art Gallery (2006-2007) (Date received 27/09/2007)	3260
Coastal Shipping Commission, Western Australian [STATESHIPS] (2006-2007) (Date received 29/07/2007)	3261
Construction Industry Long Service Leave Payments Board (2006-2007) (Date received 27/09/2007)	3262
Country High School Hostels Authority (2006-2007) (Date received 27/09/2007).....	3263
Curriculum Council (2006-2007) (Date received 27/09/2007)	3264
East Perth Redevelopment Authority (2006-2007) (Date received 27/09/2007).....	3265
Energy, Office of (2006-2007) (Date received 29/07/2007)	3266
Environment and Conservation, Department of (2006-2007) (Date received 27/09/2007)	3267
Environmental Protection Authority (2006-2007) (Date received 27/09/2007).....	3268
Equal Opportunity Commission (2006-2007) (Date received 27/09/2007)	3269
Equal Opportunity in Public Employment, Director of (2006-2007) (Date received 27/09/2007).....	3270
Fire and Emergency Services Authority of Western Australia (2006-2007) (Date received 26/09/2007)	3271
Forest Products Commission (2006-2007) (Date received 27/09/2007)	3272
Gas Disputes Arbitrator (2006-2007) (Date received 27/09/2007)	3273
Health Review, Office of (2006-2007) (Date received 27/09/2007)	3274
Healthway (2006-2007) (Date received 27/09/2007)	3275
Housing Authority (2006-2007) (Date received 27/09/2007)	3276
Housing and Works, Department of (2006-2007) (Date received 27/09/2007)	3277
Independent Market Operator (2006-2007) (Date received 27/09/2007).....	3278
Industrial Relations Commission, Chief Commissioner (2006-2007) (Date received 27/09/2007).....	3279
Keep Australia Beautiful, (W.A.) (2006-2007) (Date received 27/09/2007)	3280
LandCorp (2006-2007) (Date received 27/09/2007)	3281
Law Reform Commission of Western Australia, The (2006-2007) (Date received 27/09/2007).....	3282
Legal Costs Committee (2006-2007) (Date received 27/09/2007).....	3283
Main Roads Western Australia (2006-2007) (Date received 29/09/2007).....	3284
Midland Redevelopment Authority (2006-2007) (Date received 27/09/2007)	3285

Museum, Western Australian (2006-2007) (Date received 27/09/2007).....	3286
Perth Theatre Trust (2006-2007) (Date received 27/09/2007)	3287
Police, Western Australia (2006-2007) (Date received 27/09/2007)	3288
Professional Combat Sports Commission (2006-2007) (Date received 27/09/2007).....	3289
Public Education Endowment Trust (2006-2007) (Date received 27/09/2007)	3290
Public Transport Authority (2006-2007) (Date received 27/09/2007)	3291
Public Trustee, Western Australia (2006-2007) (Date received 27/09/2007)	3292
Quadruplegic Centre Board of Management (2006-2007) (Date received 27/09/2007)	3293
Queen Elizabeth II Medical Centre Trust (2006-2007) (Date received 27/09/2007)	3294
ScreenWest (2006-2007) (Date received 27/09/2007)	3295
Small Business Development Corporation (2006-2007) (Date received).....	3296
South West Development Corporation (2006-2007) (Date received 27/09/2007)	3297
Sports Centre Trust (2006-2007) (Date received 27/09/2007)	3298
State Library of Western Australia, The (2006-2007) (Date received 27/09/2007)	3299
State Witness Protection Program - Western Australia Police (2006-2007) (Date received 27/09/2007).....	3300
Subiaco Redevelopment Authority (2006-2007) (Date received 27/09/2007).....	3301
Swan Bells Foundation Inc., The (2006-2007) (Date received 27/09/2007).....	3302
Water and Rivers Commission (2006-2007) (Date received 27/09/2007)	3303
Water Corporation (2006-2007) (Date received 27/09/2007)	3304
Western Power (2006-2007) (Date received 27/09/2007).....	3305

Annual Reports - Extension of Time - 2006-2007 -

Culture and the Arts, Department of - Extension of time to report to 16 October 2007 3306

The Leader of the House, by leave, tabled and incorporated the above listing of Tabled papers into Hansard. (Tabled paper 3313).

19. Water Resources Legislation Amendment Bill 2006

The Acting President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 148.

Debate resumed.

Clause agreed to.

Clauses 149 to 153 agreed to.

Clause 154.

The Leader of the House moved -

Page 77, lines 21 to 23 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 155 to 181 agreed to.

Clause 182.

The Leader of the House moved -

Page 92, line 10 — To delete “as follows:”.

Page 92, lines 11 and 12 — To delete the lines.

Debate ensued.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 183.

The Leader of the House moved -

Page 92, line 26 — To delete “as follows:”.

Page 92, lines 27 and 28 — To delete the lines.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 184 to 190 agreed to.

Clause 191.

Debate ensued.

Interruption of Debate [SO 61(c)].

The Acting President resumed the Chair.

The Deputy 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.

20. Local Government (Miscellaneous Provisions) Amendment (Smoke Alarms) Bill 2007

The Acting President reported the receipt of Message No. 253 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House on behalf of the Minister for Local Government representing the Minister for Housing and Works 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 Local Government representing the Minister for Housing and Works moved, That the Bill be now read a second time.

Debate stands adjourned.

21. State Superannuation Amendment Bill 2007

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 254

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *State Superannuation Amendment Bill 2007*.

Mr A.P. O’Gorman

Acting Speaker

Legislative Assembly Chamber

Perth, 27 September 2007

22. Taxi Amendment Bill 2007

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 255

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Taxi Amendment Bill 2007*.

Mr A.P. O’Gorman

Acting Speaker

Legislative Assembly Chamber

Perth, 27 September 2007

23. Joint Standing Committee on Audit - Economic Regulation Authority Act 2003 - Review

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 259

The Legislative Assembly acquaints the Legislative Council -

That in accordance with section 64 of the *Economic Regulation Authority Act 2003*, the Joint Standing Committee on Audit be appointed to undertake the required legislative review

and accordingly invites the Legislative Council to do likewise.

Mrs J. Hughes

Acting Speaker

Legislative Assembly Chamber

Perth, 27 September 2007

Ordered - That consideration, in Committee, of Message No. 259 be made an Order of the Day for the next sitting.

24. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 16 October 2007.

Question - put and passed.

25. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 5.42pm until Tuesday, 16 October 2007 at 3.30pm.

Members present during the day’s proceedings

Attendance: Present all Members except Hon Shelley Archer, Hon Vincent Catania, Hon Murray Criddle and Hon Nick Griffiths.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON GEORGE CASH
Acting President of the Legislative Council