

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 172

WEDNESDAY, 7 SEPTEMBER 2011

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**1. Meeting of Council**

The Council assembled at 2.00pm pursuant to Temporary Orders.

The President, Hon Barry House, took the Chair and read prayers.

**2. Statement by President - Joint Standing Committee on the Corruption and Crime Commission - Extension of Reporting Time for Inquiries**

The President made the following Statement -

I advise Members that I have received today a letter from the Chairman of the Joint Standing Committee on the Corruption and Crime Commission advising that the Committee had extended its reporting date regarding two inquiries: firstly, an inquiry into whether the Corruption and Crime Commission should continue to conduct public hearings in the exercise of its misconduct function; and, secondly, an inquiry into whether the Corruption and Crime Commission should have the jurisdiction to recover proceeds of crime and unexplained wealth. The Committee had originally determined that the reporting date for these inquiries would be 22 September 2011. This correspondence from the Committee advises that it now has extended the reporting date for these inquiries to 29 March 2012. For the information of Members, I table a copy of the Committee's letter.

The President tabled a letter from the Chairman of the Joint Standing Committee on the Corruption and Crime Commission. (Tabled paper 3685).

**3. Ministerial Statement - Duties Act 2008 - Report to Parliament in accordance with section 205**

The Minister for Finance made a Ministerial Statement with respect to a Report to Parliament in accordance with section 205 of the *Duties Act 2008*.

The Minister for Finance tabled the Report to Parliament in accordance with section 205 of the *Duties Act 2008*. (Tabled paper 3686).

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

#### 4. Papers

The following Papers were laid on the Table by -

##### **President**

*Auditor General's Papers -*

Second Public Sector Performance Report (Report No. 7) (September 2011) ..... 3681

##### **Minister for Finance**

*Annual Reports -*

Industrial Relations Commission, Department of the Registrar (2010-2011)  
(Date received 07/09/2011)..... 3682

##### **Minister for Child Protection**

*Annual Reports -*

Local Government Standards Panel (2010-2011) (Date received 06/09/2011)..... 3683

Metropolitan Cemeteries Board (2010-2011) (Date received 06/09/2011)..... 3684

#### 5. Criminal Appeals Amendment (Double Jeopardy) Bill 2011

The Parliamentary Secretary representing the Attorney General: To move on the next day of sitting -

That a Bill for “An Act to amend the *Criminal Appeals Act 2004* and, as a consequence, various other Acts, and for related matters.” be introduced and read a first time.

#### 6. Culture and the Arts Funding

Motion No. 1 having been called, Hon Linda Savage continued her introductory remarks in moving the motion as follows -

That this House calls on the Government to immediately increase funding for Culture and the Arts in Western Australia to compensate for cuts made in the 2009-10 and 2010-11 Budgets.

Debate ensued.

The Minister for Mental Health representing the Minister for Culture and the Arts moved, without notice -

To delete all of the words after “House” and insert -

applauds the Government for increasing funding to the Culture and the Arts in Western Australia in the 2011/12 Budget.

#### *Point of Order*

Hon Sue Ellery raised the following Point of Order -

I seek clarification, Mr Deputy President. My understanding of an amendment was that it could not be expressed in terms that were completely opposite to the original proposition that was before the House. That is not an amendment, as I understand it. I ask you to read the amendment again. I ask you to advise me how the amendment, as I heard the Member reading it out, is not against Standing Orders.

#### *Deputy President's Ruling*

The Deputy President ruled as follows -

Two hours having elapsed, we will obviously need to continue this during the next sitting week.

*Interruption pursuant to Temporary Orders.*

## **7. Consideration of Committee Reports and Ministerial Statements**

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements.

### **In Committee**

(Hon Matt Benson-Lidholm in the Chair)

#### **Metropolitan Region Scheme Amendment No. 1159/41 - Belmont Racecourse Redevelopment - Ministerial Statement and Tabled Paper**

The Order of the Day having been called.

Consideration of the Ministerial Statement and Tabled Paper - lapsed.

#### **Joint Standing Committee on the Corruption and Crime Commission - Report No. 12 - Report of the Parliamentary Inspector Concerning Procedures Adopted by the Corruption and Crime Commission Relating to Surveillance Devices - Committee Report**

Hon Nick Goiran moved, That the Report be noted.

Question - put and passed.

## **8. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary representing the Premier tabled documents in relation to the Department of Environment and Conservation's and the Fire and Emergency Services' response to the draft Keelty Report, in response to a question without notice asked by Hon Sue Ellery. (Tabled paper 3687).

The Minister for Energy representing the Minister for Police tabled, and by leave incorporated into Hansard, documents in relation to the average response times of Western Australia Police to calls for assistance in various Perth suburbs, in response to a question without notice asked by Hon Sue Ellery. (Tabled paper 3688).

The Minister for Finance representing the Treasurer tabled documents in relation to First Home Owner Grant Scheme expenses from 2000-01 to 2010-11, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled paper 3689).

The Leader of the House representing the Minister for Sport and Recreation tabled an answer in relation to whether any review had been conducted into fees identified as being above cost recovery since 23 September 2008 within the Department of Sport and Recreation portfolio, in response to question on notice No. 4476 asked by Hon Ken Travers. (Tabled paper 3690).

The Leader of the House representing the Minister for Sport and Recreation tabled documents in relation to fees identified as being above cost recovery since 23 September 2008 within the Department of Sport and Recreation portfolio, in response to question on notice No. 4477 asked by Hon Ken Travers. (Tabled paper 3691).

The Leader of the House representing the Minister for State Development, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 4372 asked by Hon Robin Chapple will be provided by 29 September 2011.

The Leader of the House representing the Premier, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 4383 asked by Hon Ken Travers will be provided by 29 September 2011.

The Leader of the House representing the Premier, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 4389 asked by Hon Giz Watson will be provided by 29 September 2011.

The Minister for Mines and Petroleum, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 4448 asked by Hon Alison Xamon will be provided on 20 September 2011.

The Minister for Finance tabled documents in relation to details of increased tariffs, fees and charges that exceed the consumer price index (CPI) within the Finance portfolio agencies, in response to question on notice No. 4475 asked by Hon Ken Travers. (Tabled paper 3692).

The Minister for Mental Health representing the Minister for Health tabled documents in relation to schools that have received funding in the Western Australian healthy schools project, in response to question on notice No. 4445 asked by Hon Alison Xamon. (Tabled paper 3693).

The Minister for Mental Health representing the Minister for Water, in accordance with Standing Order No. 138(d), advised that answers to questions on notice Nos 4375, 4376, 4377, 4378, 4379, 4380, 4381, 4382, 4442, 4443 and 4446 asked by Hon Alison Xamon will be provided on 20 September 2011.

The Minister for Mental Health, in accordance with Standing Order No. 138(d), advised that answers to questions on notice Nos 4399, 4400, 4403, 4404, 4405, 4407, 4408, 4409 and 4410 asked by Hon Ljiljanna Ravlich will be provided on 22 September 2011.

The Minister for Mental Health, in accordance with Standing Order No. 138(d), advised that answers to questions on notice Nos 4435 and 4451 asked by Hon Alison Xamon will be provided on 22 September 2011.

## **9. Consideration of Committee Reports and Ministerial Statements**

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements (cf item 7 above).

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### **In Committee**

(Hon Matt Benson-Lidholm in the Chair)

#### **Landfill Levy - Ministerial Statement**

Hon Sally Talbot moved, That the Ministerial Statement be noted.

Debate ensued.

*Interruption pursuant to Temporary Orders.*

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The Deputy 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. 12 - Report of the Parliamentary Inspector Concerning Procedures Adopted by the Corruption and Crime Commission Relating to Surveillance Devices - Committee Report and had noted same.
- (2) Landfill Levy - Ministerial Statement, made progress, and asked leave to sit again.

Report adopted.

# **10. Residential Tenancies Amendment Bill 2011**

The Deputy President reported the receipt of Message No. 202 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Finance representing the Minister for Housing moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Finance representing the Minister for Housing moved, That the Bill be now read a second time.

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review.

# **11. Conservation Legislation Amendment Bill 2010**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 203

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Conservation Legislation Amendment Bill 2010* without amendment.

Hon Grant Woodhams

Speaker

Legislative Assembly Chamber

Perth, 7 September 2011

# **12. Order of Business**

Ordered - That Order of the Day No. 1, *Planning and Development Amendment Regulations (No. 4) 2011 - Disallowance*, be taken after Order of the Day No. 7, *Metropolitan Redevelopment Authority Bill 2011*. (Leader of the House).

# **13. Trustee Companies (Commonwealth Regulation) Amendment Bill 2010**

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

The Parliamentary Secretary representing the Attorney General moved, That the report be adopted.

Question - put and passed.

Ordered - That the third reading of the Bill be made an Order of the Day for the next sitting.

# **14. Curriculum Council Amendment Bill 2011**

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 Deputy President left the Chair.

## **In Committee**

(Hon Brian Ellis in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clauses 5 to 8 agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clauses 10 to 13 agreed to.

Clause 14.

Debate ensued.

Clause agreed to.

Clauses 15 to 22 agreed to.

Clause 23.

Debate ensued.

Clause agreed to.

Clauses 24 to 39 agreed to.

Clause 40.

Debate ensued.

Clause agreed to.

Clauses 41 to 59 agreed to.

Title agreed to.

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The President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Energy representing the Minister for Education moved, That the Bill be now read a third time.

The 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.

## **15. Members' Statements**

Statements were taken.

The Minister for Mental Health, by leave, tabled a book entitled *Behind the Smile - A Hidden Battle Against Depression*. (Tabled paper 3694).

**16. Adjournment**

The House adjourned at 10.24pm until Thursday, 8 September 2011 at 10.00am.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Wendy Duncan, Hon Phil Edman, Hon Jon Ford, Hon Ken Travers and Hon Max Trenorden.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council