

# LEGISLATIVE COUNCIL

---

## MINUTES OF PROCEEDINGS

### No. 2

TUESDAY, 11 NOVEMBER 2008

---

#### 1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

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

#### 2. Messages from His Excellency the Governor - Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills -

<b>1 July 2008 - Message No. 24</b>	<b>Act No.</b>
Community Protection (Offender Reporting) Amendment Bill 2007	27 of 2008
Eastern Goldfields Transport Board Repeal Bill 2007	28 of 2008
<b>27 June 2008 - Message No. 25</b>	<b>Act No.</b>
Criminal Law Amendment (Homicide) Bill 2008	29 of 2008
Revenue Laws Amendment Bill 2008	30 of 2008
Revenue Laws Amendment Bill (No. 2) 2008	31 of 2008
<b>27 June 2008 - Message No. 26</b>	<b>Act No.</b>
Nickel Refinery (BHP Billiton Nickel West Pty Ltd) (Termination of Agreements) Agreement Bill 2008	36 of 2008
<b>29 June 2008 - Message No. 27</b>	<b>Act No.</b>
Appropriation (Consolidated Account) Bill (No. 5) 2007	32 of 2008
Appropriation (Consolidated Account) Bill (No. 6) 2007	33 of 2008
Appropriation (Consolidated Account) Bill (No. 1) 2008	34 of 2008
Appropriation (Consolidated Account) Bill (No. 2) 2008	35 of 2008
<b>1 July 2008 - Message No. 28</b>	<b>Act No.</b>
Diamond (Argyle Diamond Mines Joint Venture) Agreement Amendment Bill 2008	37 of 2008
<b>3 July 2008 - Message No. 29</b>	<b>Act No.</b>
Electoral Amendment Bill 2008	38 of 2008
Public Transport Authority Amendment Bill 2008	42 of 2008

<b>8 July 2008 - Message No. 30</b>	<b>Act No.</b>
Food Bill 2005	43 of 2008
<b>15 August 2008 - Message No. 31</b>	<b>Act No.</b>
Road Traffic (Administration) Bill 2007	39 of 2008
Road Traffic (Authorisation to Drive) Bill 2007	40 of 2008
Road Traffic (Vehicles) (Taxing) Bill 2007	41 of 2008

### **3. Death of Hon Victor Jasper Ferry - Motion of Condolence**

The Leader of the House moved, without notice -

That this House expresses its deep regret at the death of Hon Victor Jasper Ferry, a former Member of the Legislative Council for the South-West Region; and places on record its appreciation for his long public service, and tenders its profound sympathy to his wife and members of his family in their bereavement.

The motion was supported by several Members including the President and was carried in silence, Members standing in their places.

### **4. Statement by President - Hon Shelley Eaton and Hon Carolyn Burton**

The President made the following Statement -

I advise the House that on Wednesday, 17 September 2008, I had the pleasure of swearing-in Hon Shelley Elizabeth Eaton and Hon Carolyn Anne Burton as members of the Legislative Council. I take this opportunity to welcome the two new members.

### **5. Petitions**

Hon Barbara Scott presented a petition, by delivery to the Clerk, [SO 130], from one petitioner requesting the Legislative Council support an investigation into why Legal Aid receives minimal funding to defend their clients. (Tabled paper 236).

Hon Norman Moore presented a petition Praying for Relief from Mr Noel Crichton-Browne. (Tabled paper 224).

Hon Barbara Scott presented a petition from 92 petitioners requesting the Legislative Council support the reintroduction of Transperth bus route 155. (Tabled paper 225).

Hon Kate Doust presented a petition from one petitioner requesting the Legislative Council oppose the export of containerised lead concentrate through the Port of Fremantle. (Tabled paper 226).

Hon Kate Doust presented a petition from 60 petitioners requesting the Legislative Council support increased funding for Social and Community Services organisations. (Tabled paper 227).

Hon Ed Dermer presented a petition from 784 petitioners requesting the Legislative Council support changing the times for speed zones around Western Australian schools. (Tabled paper 228).

Hon Paul Llewellyn presented a petition from 295 petitioners requesting the Legislative Council oppose the ING Development on Victoria Quay, Fremantle. (Tabled paper 229).

### **6. Papers**

The following Papers were laid on the Table by -

#### **President**

#### *Addendums -*

Amendment to the Corruption and Crime Commission (2007-2008) Annual Report ..... 14

#### *Annual Reports -*

Corruption and Crime Commission (2007-2008) (Deemed tabled 26/09/2008) ..... 15

Inspector of Custodial Services, Office of the (2007-2008) (Deemed tabled 26/09/2008) .....	16
Legislative Council (2007-2008) (Deemed tabled 26/09/2008) .....	17
Parliamentary Commissioner for Administrative Investigations [OMBUDSMAN] (2007-2008) (Deemed tabled 26/09/2008).....	18
Parliamentary Inspector of the Corruption and Crime Commission (2007-2008) (Deemed tabled 24/09/2008) .....	19
Parliamentary Services Department (2007-2008) (Deemed Tabled 26/09/2008).....	20
<i>Auditor General's Papers -</i>	
Improving Resource Project Approvals (Report No. 5) (October 2008) (Deemed tabled 7/10/2008).....	21
<i>Financial Statements -</i>	
Members of Parliament (Financial Interest) Act 1992 - Annual Returns (2007 - 2008).....	22
Members of Parliament (Financial Interest) Act 1992 - Primary Return (Hon Carolyn Anne Burton) .....	23
Members of Parliament (Financial Interest) Act 1992 - Primary Return (Hon Shelley Elizabeth Eaton).....	24
<i>Joint Standing Committee on Treaties (Commonwealth of Australia) -</i>	
Report No. 91 - Treaties tabled on 12 March 2008 .....	25
Treaties tabled on 26 August 2008 (Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women of 18 December 1979, Agreement between Australia and the European Union on the Processing and Transfer of European Union-Sourced Passenger Name Record (PNR) Data by Air Carriers to the Australian Custom Service, Agreement between the Government of Australia and the Government of the French Republic Regarding Defence Cooperation and Status of Forces, Paris, 14 December 2006, and Agreement between the Government of Australia and the European Community on Certain Aspects of Air Services, Brussels, 29 April 2008).....	26
Report No. 93 - Treaties tabled on 12 March and 14 May 2008.....	27
Treaties tabled on 16 September 2008 (Final Acts (Wrc-07), World Radiocommunication Conference (Geneva 2007), Agreement between Australia and the Republic of Finland on Social Security, and Agreement between the Government of Australia and the International Bureau of the World Intellectual Property Organization in relation to the functioning of the Australian Patent Office as an International Searching Authority and International Preliminary Examination Authority under the Patent Cooperation Treaty) .....	28
Report No. 94 - Treaties tabled on 14 May 2008 .....	29
Report No. 95 - Treaties tabled on 4 June, 17 June, 25 June and 26 August 2008 .....	30
<i>Reports -</i>	
Corruption and Crime Commission - Report on the Investigation of Alleged Misconduct Concerning Mr Stephen Lee, Mayor of the City of Cockburn (26 September 2008) (Deemed tabled 26/09/2008).....	31
Corruption and Crime Commission - Report on the Investigation of Alleged Misconduct Concerning Rezoning of Land at Whitby (3 October 2008) (Deemed tabled 3/10/2008).....	32
Corruption and Crime Commission - Report on the Inquiry into Alleged Misconduct by Public Officers in Connection with the Investigation of the Murder of Mrs Pamela Lawrence, the Prosecution and Appeals of Mr Andrew Mallard, and Other Related Matters (7 October 2008) (Deemed tabled 7/10/2008).....	33
Corruption and Crime Commission - Report on the Investigation of Alleged Misconduct Concerning Officers of the Department of Fisheries (30 October 2008) (Deemed tabled 30/10/2008).....	34

Inspector of Custodial Services - Report of an Announced Inspection of Acacia Prison (Report No. 53) (June 2008) (Deemed tabled 29/07/2008) .....	35
Inspector of Custodial Services - Report of an Announced Inspection of Eastern Goldfields Regional Prison (Report No. 54) (July 2008) (Deemed tabled 30/09/2008) .....	36
Inspector of Custodial Services - Report of an Announced Inspection of the District Court Custody Centre (Report No. 55) (July 2008) (Deemed tabled 30/09/2008) .....	37
Public Sector Standards Commissioner, Office of the [OPSSC] - Parliamentary Series Report Two - Scrutiny Qualifications in Selection Processes .....	194

### **Leader of the House**

#### *Annual Reports -*

Burswood Park Board (2007-2008) (Deemed tabled 26/09/2008) .....	38
Chemistry Centre (1 August 2007 - 30 June 2008) (Date received 10/10/2008) .....	39
Electoral Commission (2007-2008) (Date received 15/10/2008) .....	40
Electoral Commission (Political Finance) (2007-2008) (Deemed tabled 11/07/2008) .....	41
Equal Opportunity in Public Employment, Director of (2007-2008) (Date received 8/10/2008) .....	42
Fisheries, Department of (2007-2008) (Date received 2/10/2008) .....	43
Gaming and Wagering Commission (2007-2008) (Deemed tabled 26/09/2008) .....	44
Gold Corporation (2007-2008) (Date received 10/10/2008) .....	45
Government Employees Superannuation Board [GESB] (2007-2008) (Date received 16/10/2008) .....	46
Governor's Establishment (2007-2008) (Deemed tabled 26/09/2008) .....	47
Greyhound Racing Association (2007-2008) (Date received 31/10/2008) .....	48
Industrial Relations Commission, Department of the Registrar (2007-2008) (Date received 2/10/2008) .....	49
Industry and Resources, Department of (2007-2008) (Date received 8/10/2008) .....	50
Institute of Sport [WAIS] (2007-2008) (Deemed tabled 26/09/2008) .....	51
Liquor Commission (2007-2008) (Deemed tabled 26/09/2008) .....	52
Lotterywest (2007-2008) (Date received 10/10/2008) .....	53
Premier and Cabinet, Department of (2007-2008) (Date received 8/10/2008) .....	54
Professional Combat Sports Commission (2007-2008) (Deemed tabled 30/09/2008) .....	55
Public Sector Standards Commissioner, Office of the [OPSSC] (2007-2008) (Date received 8/10/2008) .....	56
Racing and Wagering (2007-2008) (Date received 22/10/2008) .....	57
Racing, Gaming and Liquor, Department of (2007-2008) (Deemed tabled 26/09/2008) .....	58
Racing Penalties Appeal Tribunal (2007-2008) (Date received 26/09/2008) .....	59
Sport and Recreation, Department of (2007-2008) (Deemed tabled 26/09/2008) .....	60
<i>Response to Reports -</i>	
Standing Committee on Estimates and Financial Operations - Balga Works Program (Report No. 12) (Minister for Child Protection) .....	61
Standing Committee on Estimates and Financial Operations - Balga Works Program (Report No. 12) (Minister for Corrective Services) .....	62

Standing Committee on Public Administration - Inquiry into the Management of Asbestos Containing Materials in Western Australian State School (Report No. 8) (Minister for Education and Training) .....	63
Statutory Review of the Public Interest Disclosure Act 2003 (July 2008).....	64
<i>Reviews -</i>	
Public Interest Disclosure Act 2003 .....	65
<b>Minister for Transport</b>	
<i>Annual Reports -</i>	
Acacia Prison Service Agreement (2007-2008) (Date received 17/10/2008) .....	66
Animal Resources Authority (2007-2008) (Deemed tabled 30/09/2008).....	67
Attorney General, Department of the (2007-2008) (Date received 17/10/2008) .....	68
Auditor General, Office of the (2007 - 2008) (Deemed tabled 29/08/2008) .....	69
Bunbury Port Authority (2007-2008) (Date received 22/10/2008) .....	70
Commissioner for Children and Young People (2007-2008) (Date received 17/10/2008).....	71
Corrective Services, Department of (2007-2008) (Date received 17/10/2008).....	72
Court Security and Custodial Services (2007-2008) (Date received 17/10/2008) .....	73
Criminal Injuries Compensation, Office of (2007-2008) (Date received 17/10/2008) .....	74
Dampier Port Authority (2007-2008) (Date received 06/11/2008) .....	75
Director of Public Prosecutions, Office of the (2007-2008) (Date received 17/10/2008).....	76
Disability Services Commission (2007-2008) (Date received 15/10/2008).....	77
Equal Opportunity Commission (2007-2008) (Date received 17/10/2008) .....	78
Esperance Port Authority (2007-2008) (Date received 6/11/2008) .....	79
Fremantle Ports Authority (2007-2008) (Date received 15/10/2008) .....	80
Gender Reassignment Board (2007-2008) (Date received 17/10/2008) .....	81
Geraldton Port Authority (2007-2008) (Date received 22/10/2008) .....	82
Health Review, Office of (2007-2008) (Deemed tabled 30/09/2008) .....	83
Healthway (2007-2008) (Deemed tabled 30/09/2008) .....	84
Indigenous Affairs, Department of (2007-2008) (Deemed tabled 30/09/2008) .....	85
Information Commissioner, Office of the (Freedom of Information) (2007-2008) (Date received 26/09/2008).....	86
Law Reform Commission (2007-2008) (Date received 17/10/2008).....	87
Legal Aid (2007-2008) (Date received 17/10/2008) .....	88
Legal Costs Committee (2007-2008) (Date received 17/10/2008).....	89
Main Roads (2007-2008) (Date received 15/10/2008).....	90
Port Hedland Port Authority (2007-2008) (Date received 6/11/2008).....	91
Prisoners Review Board (2007-2008) (Date received 17/10/2008) .....	92
Public Advocate (2007-2008) (Date received 17/10/2008).....	93
Public Transport Authority (2007-2008) (Date received 15/10/2008).....	94
Public Trustee (2007-2008) (Date received 17/10/2008) .....	95
Quadriplegic Centre Board of Management (2007-2008) (Deemed tabled 30/09/2008) .....	96
Queen Elizabeth II Medical Centre Trust (2007-2008) (Deemed tabled 30/09/2008) .....	97
State Administrative Tribunal (2007-2008) (Date received 17/10/2008).....	98

Veterinary Surgeons' Board of (2007-2008) (Date received 2/10/2008).....	99
<i>Financial Statements -</i>	
Legal Contribution Trust (For the six months ending 30 June 2008) (Date received 17/10/2008) .....	100
<i>Reports -</i>	
Economic Regulation Authority - Final Report - Inquiry - Review of the Grain Marketing Act 2002 (27 June 2008) (Deemed Tabled 25/07/2008) .....	101
Economic Regulation Authority - Final Report - Inquiry - Inquiry on Competition in the Water and Wastewater Services Sector (30 June 2008) (Deemed Tabled 25/07/2008).....	102
Economic Regulation Authority - Final Report - Inquiry into Developer Contributions to the Water Corporation (30 June 2008) (Deemed Tabled 25/07/2008) .....	103
Law Reform Commission of Western Australia - Compensation for Injurious Affection - Final Report, (Project No. 98) (July 2008) .....	104
<b>Minister for Energy</b>	
<i>Annual Reports -</i>	
Building and Construction Industry Training Board (2007-2008) (Date received 8/10/2008)....	105
Corruption and Crime Commission - Report under the Telecommunications (Interception and Access) Act 1979 (2007-2008) (Date received 17/10/2008) .....	106
Corruption and Crime Commission - Surveillance Devices Act 1998 (2007-2008) (Date received 17/10/2008) .....	107
Country High School Hostels Authority (2007-2008) (Date received 3/10/2008) .....	108
Curriculum Council (2007-2008) (Date received 3/10/2008) .....	109
Education and Training, Department of (2007-2008) (Date received 3/10/2008) .....	110
Education Services, Department of (2007-2008) (Date received 15/10/2008) .....	111
Fire and Emergency Services Authority (2007-2008) (Deemed tabled 25/09/2008) .....	112
Fire and Emergency Services Superannuation Board (2007-2008) (Date received 2/10/2008).....	113
Heritage Council (2007-2008) (Date received 8/10/2008) .....	114
Horizon Power (2007-2008) (Date received 8/10/2008).....	115
Land Surveyors Licensing Board (Year ending 31 December 2007) (Date received 04/11/2007).....	116
Local Government Advisory Board (2007-2008) (Date received 8/10/2008) .....	117
Local Government and Regional Development, Department of (2007-2008) (Date received 8/10/2008).....	118
Local Government Grants Commission (For the year ended 31 August 2008) (Date received 8/10/2008).....	119
Metropolitan Cemeteries Board (2007-2008) (Date received 8/10/2008) .....	120
National Trust of Australia (W.A.) (2007-2008) (Date received 27/10/2008) .....	121
Police, Western Australia (2007-2008) (Deemed tabled 24/09/2008).....	122
Public Education Endowment Trust (2007-2008) (Date received 27/10/2008) .....	123
State Witness Protection Program - Western Australia Police (2007-2008) (Deemed tabled 26/09/2008).....	124
Synergy (2007-2008) (Date received 3/10/2007).....	125

Training Accreditation Council (2007-2008) (Date received 27/10/2008) .....	126
Verve Energy (2007-2008) (Date received 28/10/2008) .....	127
Western Australian College of Teaching (1 April 2007 - 31 March 2008) (Date received 3/10/2008) .....	128
Western Australian Police - Surveillance Devices Act 1998 (2007-2008) (Date received 16/10/2008) .....	129
Western Power (2007-2008) (Date received 22/10/2008) .....	130
<i>Directions -</i>	
Electricity Corporations Act 2005 - Aggregate Electricity Generation Capacity (Deemed tabled 5/08/2008) .....	131
<i>Reports</i>	
Horizon Power - Statement of Corporate Intent 2008-2009 .....	132
Synergy - Statement of Corporate Intent 2008-2009 .....	133
Verve Energy - Statement of Corporate Intent 2008-2009 .....	134
Western Australia Police - Quarterly Report under Section 54(2) of the Terrorism (Preventative Detention) Act 2006 (Ending 30 June 2008) .....	135
Western Power - Statement of Corporate Intent 2008-2009 .....	136
<i>Reviews -</i>	
Review of the Operation and Effectiveness of the Building and Construction Industry Training Fund and Levy Collection Act 1990 (September 2008) .....	137
Terrorism (Extraordinary Powers) Act 2005 (July 2008) .....	138
<b>Minister for Child Protection</b>	
<i>Addendums -</i>	
Amendment to the Armadale Redevelopment Authority Annual Report (2007-2008) .....	139
<b>Minister for the Environment</b>	
<i>Annual Reports -</i>	
Environmental Protection Authority (2007-2008) (Date received 27/10/2008) .....	140
Keep Australia Beautiful (2007-2008) (Date received 27/10/2008) .....	141
Marine Parks and Reserves Authority (2007-2008) (Date received 31/10/2008) .....	142
Rottnest Island Authority (2007-2008) (Date received 3/10/2008) .....	143
Swan River Trust (2007-2008) (Date received 17/10/2008) .....	144
Tourism Western Australia (2007-2008) (Date received 15/10/2008) .....	145
Zoological Parks Authority (2007-2008) (Date received 15/10/2008) .....	146
<b>Parliamentary Secretary representing the Minister for Water</b>	
<i>Annual Reports -</i>	
Bunbury Water Board [AQWEST] (2007-2008) (Date received 16/10/2008) .....	147
Busselton Water Board (2007-2008) (Date received 16/10/2008) .....	148
Drug and Alcohol Office (2007-2008) (Date received 2/10/2008) .....	149
Mentally Impaired Accused Review Board (2007-2008) (Dated received 17/10/2008) .....	150
Water Corporation (2007-2008) (Date received 16/10/2008) .....	151
Water, Department of (2007-2008) (Date received 16/10/2008) .....	152

### **Parliamentary Secretary representing the Minister for Regional Development**

#### *Annual Reports -*

Gascoyne Development Commission (2007-2008) (Deemed tabled 30/09/2008) .....	153
Goldfields-Esperance Development Commission (2007-2008) (Deemed tabled 30/09/2008) ....	154
Great Southern Development Commission (2007-2008) (Deemed tabled 30/09/2008).....	155
Kimberley Development Commission (2007-2008) (Deemed tabled 30/09/2008).....	156
Land Information Authority, [Landgate] (2007-2008) (Deemed tabled 30/09/2008) .....	157
Mid West Development Commission (2007-2008) (Deemed tabled 30/09/2008) .....	158
Peel Development Commission (2007-2008) (Deemed tabled 30/09/2008) .....	159
Pilbara Development Commission (2007-2008) (Deemed tabled 30/09/2008).....	160
South West Development Commission (2007-2008) (Deemed tabled 30/09/2008) .....	161
Wheatbelt Development Commission (2007-2008) (Deemed tabled 30/09/2008).....	162

#### *Proposals -*

Land Administration Act 1997 - Submission No. 6/20086 - Rationalisation of Boundaries of Class 'A' Reserve No. 1944 - Shire of Peppermint Grove .....	163
--	-----

### **Parliamentary Secretary representing the Treasurer**

#### *Annual Reports -*

Architects Board (2007-2008) (Date received 22/10/2007) .....	164
Builders' Registration Board (2007-2008) (Date received 16/10/2008) .....	165
Construction Industry Long Service Leave Payments Board (2007-2008) (Date received 2/10/2008) .....	166
Consumer and Employment Protection, Department of (2007-2008) (Date received 2/10/2008).....	167
Country Housing Authority (2007-2008) (Date received 16/10/2008) .....	168
Economic Regulation Authority (2007-2008) (Date received 2/10/2008).....	169
Hairdressers Registration Board - Annual Report and Financial Statements (Year ending 31 December 2007) (Date received 4/11/2008) .....	170
Housing and Works, Department of (2007-2008) (Date received 17/10/2008) .....	171
Housing Authority (2007-2008) (Date received 17/10/2008) .....	172
Independent Market Operator (2007-2008) (Date received 10/10/2008).....	173
Industrial Relations Commission, Chief Commissioner of the (2007-2008) (Date received 16/10/2008).....	174
Insurance Commission (2007-2008) (Date received 2/10/2008) .....	175
Land Valuers Licensing Board (2007-2008) (Date received 17/10/2008) .....	176
Minerals and Energy Research Institute of Western Australia [MERIWA] (2007- 2008) (Date received 2/10/2008) .....	177
Motor Vehicle Industry Board (2007-2008) (Date received 17/10/2008).....	178
Native Title, Office of (2007-2008) (Date received 2/10/2008) .....	179
Real Estate and Business Agents Supervisory Board (2007-2008) (Date received 2/10/2008).....	180
Scitech (2007-2008) (Date received 22/10/2008) .....	181
Settlement Agents Supervisory Board (2007-2008) (Date received 2/10/2008).....	182
Small Business Development Commission (2007-2008) (Date received 2/10/2008).....	183



State Government Insurance Corporation (2007-2008) (Date received 2/10/2008) .....	184
State Supply Commission (2007-2008) (Date received 2/10/2008) .....	185
Technology and Industry Advisory Council, Annual Activity Report (2007-2008) (Date received 15/10/2008).....	186
Treasury and Finance, Department of (2007-2008) (Deemed tabled 24/09/2008).....	187
Treasury Corporation (2007-2008) (Deemed tabled 26/09/2008) .....	188
WorkCover (2007-2008) (Date received 2/10/2008) .....	189
<i>Budget Papers and Related Papers -</i>	
Treasury and Finance, Department of - Annual Report on State Finances (2007-2008) (Date received 26/09/2008).....	190
<i>Reports -</i>	
Western Australia Treasury Corporation Quarterly Report (for the quarter ended 30 September 2008) (Deemed tabled 11/11/2008) .....	191

## **7. Mineral Sands (Eneabba) Agreement Amendment Bill 2008**

The Leader of the House: To move on the next day of sitting -

That a Bill for “An Act to amend the *Mineral Sands (Eneabba) Agreement Act 1975*.” be introduced and read a first time.

## **8. Surrogacy Bill 2008**

The Minister for Transport: To move on the next day of sitting -

That a Bill for “An Act about arrangements for surrogate births and children born under those arrangements and for related purposes, and to make related amendments to –

- the *Births, Deaths and Marriages Registration Act 1998*; and
- the *Children and Community Services Act 2004*; and
- the *Family Court Act 1997*; and
- the *Guardianship and Administration Act 1990*; and
- the *Human Reproductive Technology Act 1991*; and
- the *Interpretation Act 1984*.” be introduced and read a first time.

## **9. Statutes (Repeals and Miscellaneous Amendments) Bill 2008**

The Minister for Transport: To move on the next day of sitting -

That a Bill for “An Act to amend the statute law by -

- repealing various Acts; and
- making minor amendments to various other written laws,  
and for related purposes.” be introduced and read a first time.

## **10. Training Legislation Amendment and Repeal Bill 2008**

The Minister for Training: To move on the next day of sitting -

That a Bill for “An Act to -

- amend the *Vocational Education and Training Act 1996*; and
- repeal the *Industrial Training Act 1975*,

and, as a consequence, to amend various Acts, and for related purposes.” be introduced and read a first time.

# **11. Daylight Savings Amendment Bill 2008**

Hon Anthony Fels: To move on the next day of sitting -

That a Bill for “An Act to amend the *Daylight Savings Act 2006* to provide for the holding of a referendum in conjunction with a general election and for the abridgement of the daylight savings trial period.” be introduced and read a first time.

# **12. Referendums (Implementation of Result) Amendment Bill 2008**

Hon Anthony Fels: To move on the next day of sitting -

That a Bill for “An Act to amend the *Referendums Act 1983* to provide for the compulsory introduction of legislation and policies designed to implement the result of a referendum” be introduced and read a first time.

# **13. Section 38 Constitution Acts Amendment Act 1899**

The Leader of the House: To move on the next day of sitting -

That this House direct that Ms Mia Davies on becoming the holder of an office or place at the material time shall be disregarded for the purposes of section 38 of the *Constitution Acts Amendment Act 1899* and that the Legislative Assembly be invited to pass a similar resolution.

# **14. Renewable Energy Technologies - Gross Feed-in Tariff**

Hon Paul Llewellyn: To move on the next day of sitting -

That this House calls on the Western Australian Government to introduce a State-based comprehensive gross feed-in tariff for renewable energy technologies.

# **15. Standing Committee on Estimates and Financial Operations - Office of Shared Services**

Hon Anthony Fels: To move on the next day of sitting -

That the Standing Committee on Estimates and Financial Operations table in the Legislative Council any documents and transcripts of proceedings of the briefing from the Office of Shared Services provided to them on 21 August 2006, as referred to at 2.34 in the 2006 Annual Report.

# **16. Native Forests**

Hon Giz Watson: To move on the next day of sitting -

That in light of the Forest Product Commission’s poor financial performance in the native forest sector; the failure of regulation and compliance of native forest logging; the impact of logging on the habitat of vulnerable species; the compelling evidence of native forest ecosystems at risk of irreparable damage; and the compounding impact of climate change, this House calls on the Government to -

- (1) Set in place a full transition to plantation and farm forestry for the production of commodity timber products currently derived from native forests.
- (2) Immediately develop an exit strategy for the native forest commodity timber industry.
- (3) Put in place an independently refereed, scientifically based program to restore the ecological integrity of native forests which underpins the delivery of clean air, clean water, carbon sequestration, biodiversity and natural heritage values of the South West region.

## 17. Select Committee into the Iron Ore Industry of Western Australia - Establishment

Hon Anthony Fels: To move on the next day of sitting -

That -

- (1) A select committee of three members is appointed, any two of whom constitute a quorum.
- (2) The committee is to inquire into and report on -
  - (a) the content and terms of the iron ore policy including and in relation to -
    - (i) the allocation and grant of iron ore tenure;
    - (ii) the grant of certificates of exemption under section 102A of the *Mining Act 1978 (WA)*;
    - (iii) the grant of extensions of term under section 61(2) of the *Mining Act 1978 (WA)* in respect of exploration licences which are authorised for iron ore under section 111 of the *Mining Act 1978 (WA)*; and
    - (iv) the basis upon which exploration licences authorised for iron ore under section 111 of the *Mining Act 1978 (WA)* have been permitted to be utilised as holding titles;
  - (b) the relationship between the iron ore policy and the use of state agreements to facilitate the development of iron ore projects;
  - (c) the extent to which the iron ore policy has been the subject of review and variation including by the Department of Industry and Resources;
  - (d) whether the existence and terms of the iron ore policy have been adequately disclosed, including to new entrants and potential new entrants into the iron ore industry;
  - (e) the current operation of the iron ore policy including -
    - (i) the impact of the iron ore policy upon -
      - (A) investment in iron ore exploration in the State; and
      - (B) iron ore royalties and other revenues received by the State (in relation to both quantum and time of receipt);
    - (ii) whether the iron ore policy is anti-competitive in the current market in that it prevents the turn-over of ground and thereby -
      - (A) preserves the market power of existing members of the iron ore industry; and
      - (B) operates as a barrier to entry to new entrants into the market;
  - (f) whether the original rationale for the iron ore policy remains applicable today;
  - (g) whether there is still any need to treat iron ore differently to other mineral commodities under the *Mining Act 1978 (WA)*; and
  - (h) whether it is still necessary and appropriate to use government agreements to facilitate the development of iron ore resources or whether the *Mining Act 1978 (WA)* provides an adequate and appropriate vehicle.
- (3) The committee is to report to the House no later than 12 March 2009.

## 18. Water Catchments - South West Recovery Program

Hon Paul Llewellyn: To move on the next day of sitting -

In the light of the declining rainfall and catastrophic/decline in surface water inflow to our dams, and the impact of salinity on our South West water catchments this House calls on the Government to implement as a matter of priority a comprehensive upper catchment recovery

program based on farm forestry that aims to restore water and salt balance in the six key water catchments in the region.

### **19. Suspension of Standing Orders**

The Leader of the House moved, without notice -

That so much of the Standing Orders be suspended as to enable an urgency motion to be moved.

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.

### **20. Matter of Urgency - Public Transport - Northern Suburbs**

The President read the following letter -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that the Council consider, as a matter of urgency the following motion -

That this House expresses its grave concern that the new State Government does not understand the public transport needs in northern suburbs and in particular the growing congestion that will occur on north-south roads if projects like the Butler train station are not commenced immediately.

Yours sincerely

Hon Ken Travers

Member for North Metropolitan Region

Four members having risen in support.

Hon Ken Travers moved the motion.

Debate ensued.

### **21. Questions Without Notice**

Questions without notice were taken.

### **22. Matter of Urgency - Public Transport - Northern Suburbs**

Debate resumed on the motion of Hon Ken Travers (cf item 20 above).

Motion lapsed.

### **23. Deputy Chairmen of Committees - Appointment**

The Leader of the House moved, without notice -

That the following Members be appointed Deputy Chairmen of Committees -

- Hon Barry House;
- Hon Sheila Mills;
- Hon Matt Benson-Lidholm;
- Hon Ray Halligan; and
- Hon Ken Travers.

Question - put and passed.

**24. Standing Committee on Legislation - State Administrative Tribunal Inquiry**

The Leader of the House moved, by leave and without notice -

That under the *State Administrative Tribunal Act 2004*, section 173(b), the function of conducting an inquiry into the jurisdiction and operation of the State Administrative Tribunal be conferred upon the Standing Committee on Legislation.

Question - put and passed.

**25. Address-In-Reply**

The Order of the Day having been read for the adjourned debate on the Address-in-Reply.

Debate resumed.

On the motion of Hon Ed Dermer the debate was adjourned to the next sitting.

**26. Electoral Amendment (Miscellaneous) Bill 2008**

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

Debate stands adjourned.

**27. Standing Committee on Uniform Legislation and Statutes Review - Standing Committee on Legislation - Membership**

The Leader of the House moved, without notice -

That -

- (1) Hon Adele Farina be removed from the Standing Committee on Legislation and appointed to the Standing Committee on Uniform Legislation and Statutes Review Committee; and
- (2) Hon Matthew Benson-Lidholm be removed from the Standing Committee on Uniform Legislation and Statutes Review Committee and be appointed to the Standing Committee on Legislation.

Question - put and passed.

**28. Adjournment**

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

Question - put and passed.

The House adjourned at 8.42pm until Wednesday, 12 November 2008 at 4.00pm.

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

Attendance: Present all Members.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON NICK GRIFFITHS**  
President of the Legislative Council