

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 28

THURSDAY, 14 MAY 2009

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. Ministerial Statement - Clarified Response to Question without Notice No. 484

The Minister for Child Protection made a Ministerial Statement with respect to a clarified response to question without notice No. 484 concerning the recording of the number and nature of charges against persons in relation to all open cases within the Department for Child Protection.

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

3. Papers

The following Papers were laid on the Table by -

Minister for Transport

Reviews -

Disability Services Act 1993 - Ministerial Report to Parliament - In accordance with Section 57(5) of the Act (February 2009)	768
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Minister for Child Protection

Orders -

Genetically Modified Crops Free Areas Act 2003 (Genetically Modified Crops Free Areas Exemption Order (No. 2) 2009 G.G. 14/04/2009).....	769
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4. Joint Standing Committee on Delegated Legislation - Thirtieth Report - Annual Report 2008

Hon Kim Chance presented the Thirtieth Report of the Joint Standing Committee on Delegated Legislation being the *Annual Report 2008*. (Tabled paper 770).

Hon Kim Chance moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

5. Joint Standing Committee on Delegated Legislation - Thirty First Report - Issues of Concern Raised by the Committee between 1 May 2007 and 30 April 2009 with respect to Local Laws

Hon Kim Chance presented the Thirty First Report of the Joint Standing Committee on Delegated Legislation in relation to *Issues of Concern Raised by the Committee between 1 May 2007 and 30 April 2009 with respect to Local Laws*. (Tabled paper 771).

Hon Kim Chance moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

6. Joint Standing Committee on Delegated Legislation - Thirty Second Report - Supreme Court (Fees) Amendment Regulations (No. 2) 2008, Children's Court (Fees) Amendment Regulations (No. 2) 2008, District Court (Fees) Amendment Regulations 2008, Magistrates Court (Fees) Amendment Regulations (No. 2) 2008, Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2007 and Other Court Fee Instruments

Hon Kim Chance presented the Thirty Second Report of the Joint Standing Committee on Delegated Legislation in relation to the *Supreme Court (Fees) Amendment Regulations (No. 2) 2008, Children's Court (Fees) Amendment Regulations (No. 2) 2008, District Court (Fees) Amendment Regulations 2008, Magistrates Court (Fees) Amendment Regulations (No. 2) 2008, Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2007 and Other Court Fee Instruments*. (Tabled paper 772).

Hon Kim Chance moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

7. Joint Standing Committee on the Commissioner for Children and Young People - First Report - Review of the 2007-2008 Annual Report of the Commissioner for Children and Young People

Hon Barbara Scott presented the First Report of the Joint Standing Committee on the Commissioner for Children and Young People in relation to the *Review of the 2007-2008 Annual Report of the Commissioner for Children and Young People*. (Tabled paper 774).

Hon Barbara Scott moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

Hon Barbara Scott, by leave, made a Statement with respect to the *Review of the 2007-2008 Annual Report of the Commissioner for Children and Young People*.

8. Genetically Modified Crops Free Areas Exemption Order (No. 2) 2009 - Disallowance

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

That the *Genetically Modified Crops Free Areas Exemption Order (No. 2) 2009* published in the *Gazette* on 14 April 2009 and tabled in the Legislative Council on 14 May 2009 under the *Genetically Modified Crops Free Areas Act 2003*, be and is hereby disallowed.

9. Native Forests

Motion No. 1 having been called, debate resumed on the motion of Hon Giz Watson as follows -

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.

Question - put.

The House divided.

Ayes (2)

Hon Paul Llewellyn

Hon Giz Watson (*Teller*)

Noes (28)

Hon Shelley Archer

Hon Jon Ford

Hon Ken Baston

Hon Nigel Hallett

Hon Matt Benson-Lidholm

Hon Ray Halligan

Hon Carolyn Burton

Hon Barry House

Hon George Cash

Hon Robyn McSweeney

Hon Kim Chance

Hon Norman Moore

Hon Peter Collier

Hon Helen Morton

Hon Ed Dermer

Hon Simon O'Brien

Hon Kate Doust

Hon Batong Pham

Hon Shelley Eaton

Hon Ljiljanna Ravlich

Hon Sue Ellery

Hon Barbara Scott

Hon Brian Ellis

Hon Sally Talbot

Hon Donna Faragher

Hon Ken Travers

Hon Anthony Fels

Hon Bruce Donaldson (*Teller*)

Question thus negatived.

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

Motion No. 2 having been called, Hon Anthony Fels, pursuant to notice, moved -

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.

Debate ensued.

Interruption of Debate [SO 195].

11. Consideration of Committee Reports

Pursuant to Standing Orders for the consideration of Committee Reports.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Joint Standing Committee on the Corruption and Crime Commission - Second Report - Report on the Relationship Between the Parliamentary Inspector and the Commissioner of the Corruption and Crime Commission

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

Debate ensued.

The Leader of the House moved, That progress be reported and leave asked to sit again.

Question - put and passed.

The President resumed the Chair.

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

Joint Standing Committee on the Corruption and Crime Commission - Second Report - Report on the Relationship Between the Parliamentary Inspector and the Commissioner of the Corruption and Crime Commission, made progress, and asked leave to sit again.

Report adopted.

12. Suspension of Standing Orders

The Leader of the House moved, without notice -

That so much of the Standing Orders be suspended as would enable the *Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2009-2010* to be taken forthwith.

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.

13. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2009-2010 - Tabling of Papers

The following Papers were laid on the Table by -

Parliamentary Secretary representing the Treasurer

Budget Papers and Related Papers -

2009-2010 Budget - Budget Overview	773C
2009-2010 Budget - Budget Speech - Budget Paper No. 1	773A
2009-2010 Budget - Budget Statements - Budget Paper No. 2 (Volume 1)	773D
2009-2010 Budget - Budget Statements - Budget Paper No. 2 (Volume 2)	773E
2009-2010 Budget - Budget Statements - Budget Paper No. 2 (Volume 3)	773F
2009-2010 Budget - Compact Disk	773H
2009-2010 Budget - Economic and Fiscal Outlook - Budget Paper No. 3	773G
2009-2010 Budget - Reader's Guide to the 2009-2010 Budget Statements.....	773B

The Parliamentary Secretary representing the Treasurer moved, without notice -

That pursuant to Standing Order 49(1)(c), the Legislative Council take note of Tabled Paper No. 773A-H (2009-2010 Budget Statements), laid upon the table of the House on 14 May 2009.

Debate ensued.

Ordered - That consideration of the Tabled paper be made an Order of the Day for the next sitting. (Hon Ed Dermer).

14. Order of Business

Ordered - That Orders of the Day Nos 1, *Genetically Modified Crops Free Areas Exemption Order 2009 - Disallowance*, 2, *Children's Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, 3, *District Court (Fees) Amendment Regulations 2008 - Disallowance*, 4, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, 5, *Supreme Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, 6, *State Administrative Tribunal Amendment Rules (No. 2) 2008 - Disallowance*, 7, *Town of Cambridge - Parking Amendment Local Law 2008 - Disallowance*, 8, *Poisons Amendment Regulations (No. 2) 2008 - Disallowance*, 9, *City of Wanneroo - Standing Orders Local Law 2008 - Disallowance*, 10, *Medical Practitioners Regulations 2008 - Disallowance*, and 11, *Occupational Safety and Health Amendment Regulations 2008 - Disallowance*, be taken after Order of the Day No. 21, *Standing Committee on Uniform Legislation and Statutes Review - Report No. 19 - Administrative Practices and Procedures and Parliamentary Processes involving Treaties entered into, or proposed to be entered into, by the Commonwealth*. (Leader of the House).

15. Order of Business

The Leader of the House moved, without notice -

That Consideration of Committee Reports, Item No. 5, *Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament*, be taken forthwith.

Question - put and passed.

16. Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament

Hon George Cash moved, without notice -

That Recommendations Nos One to Six contained in the Report of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament be adopted and agreed to.

Debate ensued.

17. Questions Without Notice

Questions without notice were taken.

18. Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament

Debate resumed on the motion of Hon George Cash (cf item 16 above).

Interruption of Debate [SO 61(b)].

19. Statutes (Repeals and Miscellaneous Amendments) Bill 2008

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 29

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Statutes (Repeals and Miscellaneous Amendments) Bill 2008* without amendment.

Mrs L.M. Harvey

Acting Speaker

Legislative Assembly Chamber

Perth, 14 May 2009

20. Veterinary Surgeons Amendment Bill 2009

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 30

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Veterinary Surgeons Amendment Bill 2009* without amendment.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 14 May 2009

21. 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, 19 May 2009 at 3.30pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Wendy Duncan, Hon Adele Farina and Hon Sheila Mills.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council