

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 163

WEDNESDAY, 10 AUGUST 2011

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 - Select Committee Of Privilege Report - Response By Director Of Public Prosecutions

The President made the following Statement -

On 13 November 2007, the Select Committee of Privilege reported to the House on a matter arising in the Standing Committee on Estimates and Financial Operations. Amongst the Select Committee's recommendation was that the House refer to the Attorney General a number of instances of apparent false evidence having been given before the Select Committee. The evidence in question was given by the following witnesses in private hearings of the Select Committee: the then Hon Shelley Archer, MLC; the then Hon Anthony Fels, MLC; Mr Brian Burke, lobbyist; Mr Noel Crichton-Browne, lobbyist; and, Mr Nathan McMahon, managing director of Cazaly Resources Ltd. On 6 December 2007, the House ordered that 34 separate instances of apparent false evidence given to the Select Committee be referred to the Director of Public Prosecutions for an assessment as to whether any of the five witnesses involved should be prosecuted under section 57 of the *Criminal Code* for knowingly giving a false answer while under examination by a parliamentary committee. After some considerable delay, I have now received advice from the Deputy Director of Public Prosecutions, Mr Bruno Fiannaca, SC. In summary, it is the view of the Deputy Director of Public Prosecutions, and that of the former director, Mr Robert Cock, that in all the circumstances it is not in the public interest to proceed with a prosecution against any of the persons identified by the Select Committee for an offence under section 57 of the *Criminal Code*. I now table the advice of the Deputy Director of Public Prosecutions, along with the related correspondence and other documentation. I indicate to Members that I will be writing to all the relevant persons and providing copies of these documents.

The President tabled a letter, dated 29 July 2011, from Mr Bruno Fiannaca SC, Deputy Director of Public Prosecutions to the President, along with other documents relating to the referral to the Director of Public Prosecutions from the Legislative Council for assessment of potential prosecution under s. 57 of the *Criminal Code*. (Tabled paper 3575).

3. Petitions

Hon Robin Chapple presented a petition from 187 petitioners requesting the Legislative Council to oppose the proposed copper mining activities on the site of the Kimberley Coast known as The Horizontal Falls. (Tabled paper 3576).

Hon Kate Doust presented a petition from 114 petitioners requesting the Legislative Council to support the *Skilled Local Jobs Bill 2011*. (Tabled paper 3577).

Hon Kate Doust presented a petition from 249 petitioners requesting the Legislative Council to support the restoration of the net feed-in tariff electricity pricing scheme for renewable electricity. (Tabled paper 3578).

Hon Alison Xamon presented a petition from 4 petitioners requesting the Legislative Council to recommend that the Water Corporation's current proposal to locate the water treatment plant on the Mundaring Weir Forestry Settlement site be reviewed. (Tabled paper 3579).

4. Ministerial Statement - Wholesale Electricity Market

The Minister for Energy made a Ministerial Statement with respect to a report from the Economic Regulation Authority into the effectiveness of the wholesale electricity market.

The Minister for Energy tabled a report entitled *2010 Annual Wholesale Electricity Market Report for the Minister for Energy (Public Version)*, by the Economic Regulation Authority (14 June 2011). (Tabled paper 3538).

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 -

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Real Estate and Business Agents Act 1978 (Real Estate and Business Agents Supervisory Board (Elections) Repeal Regulations 2011 G.G. 30/06/2011 and Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2011 G.G. 30/06/2011)	3518
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6. Temporary Orders - Extension

The Leader of the House moved, without notice -

- (1) That the duration of the Temporary Orders, adopted by the House on 25 March 2010, be extended to (and including) Thursday, 20 October 2011.
- (2) That the reporting date for the Procedure and Privileges Committee in relation to its inquiry into the Standing Orders of the House be extended to 20 October 2011.

Debate ensued.

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.

7. **Bush Forever - Metropolitan Region Scheme Amendment**

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

That this House notes the finalisation of the *Bush Forever* Metropolitan Region Scheme Amendment and the associated State Planning Policy 2.8, *Bushland Policy for the Perth Metropolitan Area*, and calls on the Barnett Government to go further and protect Perth's unique urban bushland in perpetuity by -

- (a) guaranteeing statutory protection for those same *Bush Forever* sites;
- (b) legislating, or introducing regulations, which assure an appropriate standard of management for those sites; and
- (c) appropriately funding that management.

Question - put.

The House divided.

Ayes (14)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford

Hon Lynn MacLaren
Hon Ljiljanna Ravlich
Hon Linda Savage
Hon Ken Travers
Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (19)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Wendy Duncan
Hon Phil Edman
Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran
Hon Nigel Hallett

Hon Alyssa Hayden
Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Question thus negatived.

8. **Renewable Energy Sources - Development**

Motion No. 2 having been called, Hon Kate Doust, pursuant to notice, moved -

That this House calls on the Government to stop taking a half-hearted approach to encouraging and supporting the development and uptake of renewable energy sources and take immediate steps to make sure Western Australia is at the cutting edge of the use of wind, solar, geothermal and wave and tidal power.

9. **Questions Without Notice**

Questions without notice were taken.

The Minister for Energy representing the Minister for Education tabled documents in relation to the provision of playground equipment at selected schools, in response to a question without notice asked by Hon Helen Bullock. (Tabled paper 3580).

The Minister for Energy representing the Minister for Education tabled, and by leave incorporated into Hansard, a document in relation to the number of external consultant reports commissioned by the Minister for Education or the Department of Education since 23 September 2008, in response to a question without notice asked by Hon Adele Farina. (Tabled paper 3581).

The Minister for Energy representing the Minister for Police tabled documents in relation to dates, times and locations of the random breath testing bus operations in the Central Business District and Northbridge areas for the years 2009, 2010 and 2011, in response to question on notice No. 3987 asked by Hon Kate Doust. (Tabled paper 3582).

The Minister for Mental Health representing the Minister for Water tabled maps in relation to the Water Corporation's infill sewerage projects in the South West region, in response to question on notice No. 4011 asked by Hon Adele Farina. (Tabled paper 3583).

10. Renewable Energy Sources - Development

Hon Kate Doust continued her introductory remarks in moving the following motion -

That this House calls on the Government to stop taking a half-hearted approach to encouraging and supporting the development and uptake of renewable energy sources and take immediate steps to make sure Western Australia is at the cutting edge of the use of wind, solar, geothermal and wave and tidal power.

(cf item 8 above).

Interruption pursuant to Temporary Orders.

11. 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)

Walpole and Nornalup Inlets Marine Park - Ministerial Statement

Hon Ed Dermer moved, That consideration be postponed until the next sitting.

Question - put and passed.

Standing Committee on Estimates and Financial Operations - Report No. 28 - Annual Hearings in Relation to the Budget Estimates 2010-2011 - Committee Report

Hon Giz Watson moved, That the Report be noted.

Debate ensued.

Question - put and passed.

Question Without Notice No. 484 - Supplementary Information - Ministerial Statement

Hon Ed Dermer moved, That consideration be postponed until the next sitting.

Question - put and passed.

Standing Committee on Estimates and Financial Operations - Report No. 29 - Budget Estimates 2009-2010 - Committee Report

Hon Giz Watson moved, That the Report be noted.

Debate ensued.

Question - put and passed.

Training WA - Planning for the Future 2009-2018 - Ministerial Statement and Tabled Paper

Hon Ljiljanna Ravlich moved, That the Ministerial Statement and Tabled paper be noted.

Debate ensued.

Question - put and passed.

Standing Committee on Estimates and Financial Operations - Report No. 30 - Agency Annual Reports 2008-2009 - Committee Report

Hon Giz Watson moved, That the Report be noted.

Question - put and passed.

Interruption pursuant to Temporary Orders.

The Deputy President resumed the Chair.

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

- (1) Walpole and Nornalup Inlets Marine Park - Ministerial Statement, made progress, and asked leave to sit again.
- (2) Standing Committee on Estimates and Financial Operations - Report No. 28 - Annual Hearings in Relation to the Budget Estimates 2010-2011 and had noted same.
- (3) Question Without Notice No. 484 - Supplementary Information - Ministerial Statement, made progress, and asked leave to sit again.
- (4) Standing Committee on Estimates and Financial Operations - Report No. 29 - Budget Estimates 2009-2010 and had noted same.
- (5) Training WA - Planning for the Future 2009-2018 - Ministerial Statement and Tabled paper and had noted same.
- (6) Standing Committee on Estimates and Financial Operations - Report No. 30 - Agency Annual Reports 2008-2009 and had noted same.

Report adopted.

12. Order of Business

Ordered - That Bills for Introduction be taken forthwith. (Minister for Finance).

13. Inheritance (Family and Dependants Provision) Amendment Bill 2011

The Parliamentary Secretary representing the Attorney General, pursuant to notice, moved -

That a Bill for "An Act to amend the *Inheritance (Family and Dependants Provision) Act 1972* and other Acts, and for related purposes." be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a second time.

Debate stands adjourned.

14. Order of Business

Ordered - That Orders of the Day Nos 1, *Metropolitan Region Scheme Amendment No. 1180/41 - Cockburn Coast District Structure Plan - Disallowance*, 2, *Schedule 1 of the Prohibited Behaviour Orders Regulations 2011 - Disallowance*, and 3, *City of Mandurah Jetties, Waterways and Marina Local Law 2010 - Disallowance*, be taken after Order of the Day No. 13, *Workers' Compensation and Injury Management Amendment Bill 2011*. (Minister for Finance).

15. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2011-2012

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Finance representing the Treasurer, as follows -

That pursuant to Standing Order No. 49(1)(c) the Legislative Council take note of Tabled Paper No. 3310A-F (2011-2012 Budget Statements), laid upon the Table of the House on 19 May 2011.

Debate resumed.

On the motion of Hon Ken Baston the debate was adjourned to the next sitting.

16. Adjournment

The House adjourned at 9.42pm until Thursday, 11 August 2011 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council