

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 25

THURSDAY, 7 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 - State of the Fisheries Report (2007/08)

The Minister for Fisheries made a Ministerial Statement with respect to the State of the Fisheries Report (2007/08).

The Minister for Fisheries tabled the State of the Fisheries Report (2007/08). (Tabled paper 721).

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

3. Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament - First Report

The President presented the First Report of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament. (Tabled paper 719).

The Leader of the House moved, That the Report be printed.

Question - put and passed.

The Leader of the House, by leave, made a Statement with respect to the First Report of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament.

4. Paper

The following Paper was laid on the Table by -

Parliamentary Secretary representing the Treasurer

Financial Statements -

Legal Contribution Trust (For the six months ending 31 December 2008)
(Date received 06/05/2009)..... 720

5. Joint Standing Committee on the Corruption and Crime Commission - Third Report - Robert Bilos

Hon Ray Halligan presented the Third Report of the Joint Standing Committee on the Corruption and Crime Commission in relation to *Robert Bilos*. (Tabled paper 722).

Hon Ray Halligan moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

6. Standing Committee on Estimates and Financial Operations - Nineteenth Report - Follow-Up to Report 12 - Balga Works Program

Hon Giz Watson presented the Nineteenth Report of the Standing Committee on Estimates and Financial Operations in relation to the *Follow-Up to Report 12 Balga - Works Program*. (Tabled paper 724).

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

Question - put and passed.

7. Standing Committee on Estimates and Financial Operations - Eighteenth Report - Budget of the Office of the Auditor General

Hon Giz Watson presented the Eighteenth Report of the Standing Committee on Estimates and Financial Operations in relation to the *Budget of the Office of the Auditor General*. (Tabled paper 723).

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

Question - put and passed.

8. Native Forests

Motion No. 1 having been called, Hon Paul Llewellyn continued his introductory remarks in moving the following motion on behalf of Hon Giz Watson -

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.

Hon Paul Llewellyn, by leave, tabled a document in relation to the estimated and actual (realised) volumes of saw log removed from native forest harvest coupes in the South West Region. (Tabled paper 725).

The Minister for Child Protection representing the Minister for Forestry tabled a newspaper extract from *The Age* dated 9 April 2007 entitled *Greens Need to Sort Wood from Trees* [SO 47]. (Tabled paper 726).

Interruption of debate [SO 195]

9. Consideration of Committee Reports

Pursuant to Standing Orders for the consideration of Committee Reports.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Standing Committee on Estimates and Financial Operations - Twelfth Report - Balga Works Program

Debate resumed on the motion of Hon Giz Watson, That the Report be noted.

Question - put and passed.

Standing Committee on Environment and Public Affairs - Eleventh Report - Annual Report 2007

Hon Sheila Mills moved, That the Report be noted.

Question - put and passed.

Standing Committee on Environment and Public Affairs - Twelfth Report - Overview of Petitions

Hon Sheila Mills moved, That the Report be noted.

Question - put and passed.

Standing Committee on Environment and Public Affairs - Fifteenth Report - Annual Report 2008

Hon Sheila Mills moved, That the Report be noted.

Question - put and passed.

Standing Committee on Estimates and Financial Operations - Fifteenth Report - Annual Report 2008

Hon Giz Watson moved, That the Report be noted.

Question - put and passed.

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 moved, That the Report be noted.

Debate ensued.

Interruption of Debate [SO 61A].

The Deputy President resumed the Chair.

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

- (1) Standing Committee on Estimates and Financial Operations - Twelfth Report - Balga Works Program and had noted same.
- (2) Standing Committee on Environment and Public Affairs - Eleventh Report - Annual Report 2007 and had noted same.
- (3) Standing Committee on Environment and Public Affairs - Twelfth Report - Overview of Petitions and had noted same.
- (4) Standing Committee on Environment and Public Affairs - Fifteenth Report - Annual Report 2008 and had noted same.

- (5) Standing Committee on Estimates and Financial Operations - Fifteenth Report - Annual Report 2008 and had noted same.
- (6) 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.

10. Order of Business

Ordered - That Orders of the Day Nos 2, *Waste Avoidance and Resource Recovery Regulations 2008 - Disallowance*, 3, *Waste Avoidance and Resource Recovery Levy Regulations 2008 - Disallowance*, 4, *Genetically Modified Crops Free Areas Exemption Order 2009 - Disallowance*, 5, *Children's Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, 6, *District Court (Fees) Amendment Regulations 2008 - Disallowance*, 7, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, 8, *Supreme Court (Fees) Amendment Regulations (No. 2) 2008 - Disallowance*, 9, *Industrial Training Legislation Amendment Regulations 2008 - Disallowance*, 10, *State Administrative Tribunal Amendment Rules (No. 2) 2008 - Disallowance*, 11, *Town of Cambridge - Parking Amendment Local Law 2008 - Disallowance*, 12, *Perth Market Amendment By-Laws 2008 - Disallowance*, and 13, *Poisons Amendment Regulations (No. 2) 2008 - Disallowance*, be taken after Order of the Day No. 15, *National Gas Access (WA) Bill 2008*. (Leader of the House).

11. City of Armadale - Signs Amendment Local Law 2008 - Disallowance

Hon Ray Halligan, pursuant to notice, moved -

That the *City of Armadale - Signs Amendment Local Law 2008* published in the *Gazette* on 3 June 2008 and tabled in the Legislative Council on 19 June 2008 under the *Local Government Act 1995*, be and is hereby disallowed.

Debate ensued.

Question - put and passed.

12. 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 Bruce Donaldson the debate was adjourned to a later stage of this day's sitting.

13. Sentence Administration (Interstate Transfer of Community Based Sentences) Bill 2009

The Order of the Day for the further consideration of this Bill, in Committee, having been read.

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 20.

Debate resumed.

Clause agreed to.

Clause 21.

Debate ensued.

Clause agreed to.

Clauses 22 and 23 agreed to.

Clause 24.

Debate ensued.

Clause agreed to.

Clauses 25 to 29 agreed to.

Clause 30.

Debate ensued.

Clause agreed to.

Clause 31 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Transport moved, That the Bill be now read a third time.

The Deputy President having reported that the 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.

14. Select Committee into the Police Raid on *The Sunday Times*

The Order of the Day having been read, Hon George Cash, pursuant to notice, moved -

That Recommendation No. 6 of the First Report of the Select Committee into the Police Raid on *The Sunday Times* be adopted and agreed to.

Debate ensued.

15. Questions Without Notice

Questions without notice were taken.

The Minister for Environment tabled documents in relation to the transportation of Magellan lead carbonate in response to question on notice No. 422 asked by Hon Paul Llewellyn. (Tabled paper 727).

The Minister for Transport representing the Deputy Premier tabled documents in relation to details of the Deputy Premier's office staff in response to question on notice No. 578 asked by Hon Ljiljanna Ravlich. (Tabled paper 728).

16. Select Committee into the Police Raid on *The Sunday Times*

Debate resumed on the motion of Hon George Cash (cf item 14 above).

Interruption of Debate [SO 61(b)]

17. Parliamentary Commissioner Amendment Bill 2009

The Deputy President reported the receipt of Message No. 23 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

18. Major Events (Aerial Advertising) Bill 2009

The Deputy President reported the receipt of Message No. 24 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

19. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 5.40pm until Tuesday, 12 May 2009 at 3.30pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Shelley Archer, Hon Carolyn Burton, Hon Kim Chance, Hon Shelley Eaton, Hon Adele Farina, Hon Helen Morton and Hon Ken Travers.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council