

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 50

TUESDAY, 15 SEPTEMBER 2009

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### 1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

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

### 2. Ministerial Statement - Responsible Parenting Agreements and Orders

The Minister for Child Protection made a Ministerial Statement with respect to the introduction of Responsible Parenting Agreements and Orders to assist parents create better behavioural outcomes for their children.

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 -

#### **President**

##### *Reports -*

Corruption and Crime Commission - Report on the Investigation of Alleged Public Sector Misconduct in Connection with the Activities of Lobbyists and Other Persons - Fortescue Metals Group Ltd. (14 September 2009)  
(Deemed tabled 14/09/2009) ..... 1141

#### **Leader of the House**

##### *Agreements -*

Gorgon Gas Processing and Infrastructure Project Agreement 2003 - Between the State of Western Australia and Chevron Australia, Chevron (TAPL), Mobil Australia Resources Company and Shell Development Australia ..... 1142

##### *Regulations -*

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 15) 2009 G.G. 10/09/2009) ..... 1143

**Minister for Transport***Local Laws -*

Health Act 1911 (Town of Claremont Health Amendment Local Law 2009 G.G. 11/09/2009) ..... 1144

*Regulations -*

Transport Co-ordination Act 1966 (Transport (Country Taxi-car) Amendment Regulations (No. 2)  
2009 G.G. 08/09/2009) ..... 1145

**Minister for Transport on behalf of the Minister for Energy***Statutes -*

Edith Cowan University Act 1984 (Edith Cowan University - Amending Statute No. 1 of 2009  
G.G. 11/09/2009)..... 1146

**Minister for Child Protection on behalf of the Minister for Environment***Leases -*

CALM Lease No. 2284/97 - Between CALM and Optus Mobile Pty Limited - Portion  
of State Forest No. 24..... 1147

CALM Lease No. 2265/97 - Between CALM and Optus Mobile Pty Limited - Portion  
of State Forest No. 4..... 1148

**Parliamentary Secretary representing the Treasurer***Reports -*

Bunbury Water Board [AQWEST] - Statement of Corporate Intent (2009-2010) ..... 1149

Busselton Water - Statement of Corporate Intent (2009-2010)..... 1150

Water Corporation - Statement of Corporate Intent (2009-2010) ..... 1151

**4. Standing Committee on Public Administration - Special Report - Resolution of the Committee on 9 September 2009 to commence an inquiry into Electricity Transmission and Distribution Management by Western Power and Horizon Energy**

Hon Max Trenorden presented a Special Report of the Standing Committee on Public Administration in relation to a resolution of the Committee on 9 September 2009 to commence an inquiry into *Electricity Transmission and Distribution Management by Western Power and Horizon Energy*. (Tabled paper 1152).

Hon Max Trenorden moved, That the Report do lie upon the Table.

Question - put and passed.

**5. City of Stirling Local Government Property Local Law 2009 - Disallowance**

Hon Robin Chapple: To move on the next day of sitting -

That the *City of Stirling Local Government Property Local Law 2009* published in the *Gazette* on 5 June 2009 and tabled in the Legislative Council on 16 June 2009 under the *Local Government Act 1995*, be and is hereby disallowed.

**6. City of Albany Keeping and Welfare of Cats Local Law 2008 - Disallowance**

Hon Robin Chapple: To move on the next day of sitting -

That the *City of Albany Keeping and Welfare of Cats Local Law 2008* published in the *Gazette* on 9 June 2009 and tabled in the Legislative Council on 16 June 2009 under the *Local Government Act 1995*, be and is hereby disallowed.

## 7. Protection Measures For West Coast Demersal Fin Fish

Hon Jon Ford: To move on the next day of sitting -

- (1) That this House condemns the Minister for Fisheries on his ineffective management of the 'at risk' west coast demersal fin fish and urges the Government to immediately implement as a precautionary action the following measures pending further consultations with recreational fishers -
  - (a) the daily bag limit for Category 1 fish to be reduced from seven to four fish;
  - (b) the daily bag limit for pink snapper to be reduced from four to two fish;
  - (c) the size limits for pink snapper to be increased from 41cm to 45cm in October, 2008 and then from 45cm to 50cm in 2010 for the metropolitan and South-West zones only (Lancelin to Augusta);
  - (d) a boat limit of two daily bag limits of Category 1 fish to be introduced. Where five or more fishers are on board a recreational or charter boat, an additional two Category 1 fish per person (over and above the boat limit) will be allowed for the fifth and additional fishers;
  - (e) a seasonal restriction that prohibits the take, landing and possession of the Vulnerable 5 species: dhufish, pink snapper, baldchin groper, breaksea cod and red snapper;
  - (f) a daily bag limit of one Category 1 fish to apply to spear fishing on compressed air;
  - (g) the use of power assisted fishing reels to be prohibited (with exemptions for disabled fishers);
  - (h) discussions with fishing clubs to be initiated to discourage public fishing competitions from targeting high risk species;
  - (i) the finfish possession limit to be reduced at the Abrolhos Islands Fish and Fish Habitat Protection Area to 10kg of fillets (or pieces of fish) or one day's bag limit of whole fish. The possession limit will remain in place for at least two years while a review to assess the option of managing the Abrolhos Islands as a 'no take away' area is undertaken;
  - (j) a voluntary logbook program to be established for Category 1 demersal fish (ocean-bottom dwelling fish), including the Vulnerable 5 species, to provide additional catch and effort information;
  - (k) a Recreational Trust Fund to be established to enable the recreational sector to have meaningful input into determining expenditure priorities; and
  - (l) further research to be undertaken to investigate the appropriateness of introducing large scale fish reserves or closed areas to provide protection for large numbers of fish or over an area which is particularly important to spawning.
- (2) That this House urges the Government to commit to sufficient and ongoing funding to ensure that adequate research is available to guide future governments in the most effective way to protect our significant marine environment for future generations.

## 8. Matter of Urgency - West Atlas Oil Spill - Kimberley Marine Environment

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 environmental and financial catastrophe occurring off Western Australia's Kimberley coast and calls on the State Government to do everything within its power to protect from, and monitor, the effects of the West Atlas oil spill on Western Australia's pristine and sensitive Kimberley marine environment.

Yours sincerely

Hon Jon Ford

Member for Mining and Pastoral Region

Four members having risen in support.

Hon Jon Ford moved the motion.

Debate ensued.

Motion lapsed.

## 9. Order of Business

Ordered - That Order of the Day No. 2, *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009 - Disallowance*, be taken after Order of the Day No. 4, *First Home Owner Grant Amendment Bill 2009*. (Leader of the House).

## 10. City of Joondalup Cats Local Law 2008 - Disallowance

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Robin Chapple -

That the *City of Joondalup Cats Local Law 2008* published in the *Gazette* on 2 April 2009 and tabled in the Legislative Council on 8 April 2009 under the *Local Government Act 1995*, be and is hereby disallowed.

Debate ensued.

## 11. Questions Without Notice

Questions without notice were taken.

The Minister for Mines and Petroleum tabled documents in relation to the Minister for Mines and Petroleum's record of contact with lobbyists from 23 September 2008 in response to question on notice No. 1094 asked by Hon Ljiljanna Ravlich. (Tabled paper 1153).

The Minister for Transport representing the Deputy Premier tabled documents in relation to the Deputy Premier's details of reviews, committees, inquiries and taskforces since 31 March 2009 in response to question on notice No. 995 asked by Hon Ljiljanna Ravlich. (Tabled paper 1154).

The Minister for Transport representing the Deputy Premier tabled documents in relation to the Deputy Premier's record of contact with lobbyists from 23 September 2008 in response to question on notice No. 1109 asked by Hon Ljiljanna Ravlich. (Tabled paper 1155).

The Minister for Transport representing the Minister for Health tabled documents in relation to the Minister for Health's record of complaints by agency since 23 September 2008 in response to question on notice No. 1073 asked by Hon Ljiljanna Ravlich. (Tabled paper 1156).

The Minister for Transport on behalf of the Minister for Energy representing the Minister for Education tabled documents in relation to details of the Minister for Education's creditors, as at 31 July 2009 in response to question on notice No. 1048 asked by Hon Ljiljanna Ravlich. (Tabled paper 1157).

The Minister for Transport on behalf of the Minister for Energy representing the Minister for Police tabled documents in relation to the Minister for Police's record of contact with lobbyists from 23 September 2008 in response to question on notice No. 1122 asked by Hon Ljiljanna Ravlich. (Tabled paper 1158).

The Minister for Child Protection tabled documents in relation to the Minister for Child Protection's record of contact with lobbyists from 23 September 2008 in response to question on notice No. 1101 asked by Hon Ljiljanna Ravlich. (Tabled paper 1159).

The Minister for Child Protection tabled documents in relation to details of the Department of Child Protection officers who travel to visit children at risk and conducting other duties in response to question on notice No. 1145 asked by Hon Alison Xamon. (Tabled paper 1160).

The Minister for Child Protection on behalf of the Minister for Environment, in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 967 asked by Hon Robin Chapple will be provided in due course.

The Parliamentary Secretary representing the Minister for Water tabled documents in relation to the Minister for Water's record of contact with lobbyists from 23 September 2008 in response to question on notice No. 1132 asked by Hon Ljiljanna Ravlich. (Tabled paper 1161).

The Parliamentary Secretary representing the Minister for Mental Health tabled documents in relation to the Minister for Mental Health's record of contact with lobbyists from 23 September 2008 in response to question on notice No. 1133 asked by Hon Ljiljanna Ravlich. (Tabled paper 1162).

## **12. City of Joondalup Cats Local Law 2008 - Disallowance**

Debate resumed on the motion of Hon Robin Chapple (cf item No. 10 above).

Question - put and passed.

## **13. Recreation Activities within Public Drinking Water Source Areas**

The Order of the Day No. 6 having been called, the Leader of the House, pursuant to notice, moved -

That the Standing Committee on Public Administration investigate —

- (1) The social, economic and environmental values and costs of recreation access, where possible, to Perth Hills and South West drinking water catchments including the costs and benefits to public health, water quality, recreation, indigenous culture and management options.
- (2) State, interstate and international legislation, policy and practice for recreation within public drinking water source areas including information relating to population health benefits and impacts.
- (3) The range of community views on the value of water and recreation in public drinking water source areas.
- (4) The costs and benefits of alternative water quality management strategies and treatment for water catchments containing recreation.
- (5) Possible recreation sites/opportunities available outside the Perth Hills and South West drinking water catchments.

The Committee is to report to the House not later than 1 July 2010.

Debate ensued.

Question - put and passed.

## **14. Standing Committee on Procedure and Privileges - Standing Orders Review**

The Order of the Day No. 7 having been called, the Leader of the House, pursuant to notice, moved -

That the Standing Committee on Procedure and Privileges be required to undertake a comprehensive review of the Standing Orders of the House with a view to modernising the procedures of the House.

The Committee is to report to the House not later than 2 March 2010.

Debate ensued.

Hon Sue Ellery moved, without notice -

After line 3 of the motion — To insert -

- (2) That the Leader of the House, the Leader of the Opposition, Hon Giz Watson and Hon Wendy Duncan be co-opted members for the purpose of this review.

Debate ensued.

Amendment - put and passed.

Question - That the motion, as amended, be agreed to - put and passed.

### **15. Order of Business**

Ordered - That Order of the Day No. 3, *Fisheries Adjustment Schemes Amendment Bill 2009*, be taken forthwith. (Leader of the House).

### **16. Fisheries Adjustment Schemes Amendment Bill 2009**

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate ensued.

Question - put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

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

Question - put and passed.

Bill read a third time and passed.

### **17. Order of Business**

Ordered - That Order of the Day No. 5, *Road Traffic Amendment (Hoons) Bill 2009*, be taken forthwith. (Leader of the House).

### **18. Road Traffic Amendment (Hoons) Bill 2009**

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate ensued.

On the motion of the Leader of the House the debate was adjourned to the next sitting.

### **19. Criminal Code Amendment (Graffiti) Bill 2009**

The Deputy President reported the receipt of Message No. 45 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now 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.

**20. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 9.50pm until Wednesday, 16 September 2009 at 4.00pm.

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

Attendance: Present all Members except Hon Peter Collier and Hon Donna Faragher.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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