

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 137

TUESDAY, 29 MAY 2007

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. Death of Mr Donald (Don) Cooley - Motion of Condolence

The Leader of the House moved, without notice -

This House expresses its deep regret at the death of Mr Donald Cooley, a former Member of the Legislative Council for the North-East Metropolitan Region; and places on record its appreciation for his long public service, and tenders its profound sympathy to members of his family in their bereavement.

Debate ensued.

The motion was seconded by the Leader of the Opposition, Hon Norman Moore, supported by several Members, including the President, and was carried in silence, Members standing in their places.

3. Message from His Excellency the Governor - Assent to Bill

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill -

23 May 2007 - Message No. 12

Road Traffic Amendment (Drugs) Bill 2007

Act No.

6 of 2007

4. Owner-Drivers (Contracts and Disputes) Bill 2006

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 221

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Owner-Drivers (Contracts and Disputes) Bill 2006*.

Hon F. Riebeling
Speaker

Legislative Assembly Chamber
Perth, 10 May 2007

5. Petitions

Hon Giz Watson presented a petition, by delivery to the Clerk, [SO 130], from 24 residents of Western Australia requesting the Legislative Council oppose an urban development by LandCorp of pristine coastal land at Lots 1512 and 1523 Emu Point Drive, Albany. (Tabled paper 2732).

Hon Giz Watson presented a petition, by delivery to the Clerk, [SO 130], from 327 residents of Western Australia requesting the Legislative Council oppose the establishment of Woodside LNG land based Pluto development on site A and B on the Burrup Peninsula. (Tabled paper 2733).

Hon Anthony Fels presented a petition from 266 residents of Western Australia requesting the Legislative Council oppose the Development of Lot 204 Lyon Road, Aubin Grove by LandCorp. (Tabled paper 2734).

6. Ministerial Statement - West Coast and Gascoyne Demersal Scalefish Fisheries

The Minister for Fisheries made a Ministerial Statement with respect to outcomes of the Wetline Review. (Tabled paper 2735).

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

7. Papers

The following Papers were laid on the Table by -

President

Addendums -

Public Sector Standards Commissioner, Office of the - Ten Year Review - Report
Four - The principle of integrity in official conduct (May 2007)..... 2715

Joint Standing Committee on the Corruption and Crime Commission -

Interim Report on Amendments to the Corruption and Crime Commission Act 2003 -
A Public Interest Monitor (Report No. 24) (Date published 17/05/2007) (Pursuant to
Standing Order 338)..... 2716

Report on the Past Misconduct Inquiry - Western Australia Police (Report No. 25)
(Date published 17/05/2007) (Pursuant to Standing Order 338)..... 2717

Reports -

Corruption and Crime Commission - The Anti-Corruption Commission's
Investigation Report into any Involvement by Western Australia Police
Officers in the Death of Andrew Petrelis (17 May 2007)
(Deemed tabled 17/05/2007) 2718

Inspector of Custodial Services - Report of an Announced Inspection of Boronia Pre-
Release Centre for Women (Report No. 42) (April 2007)
(Date Received 12/04/2007)..... 2719

Public Sector Standards Commissioner, Office of the [OPSSC] - Ten Year Review -
Western Australian Public Sector: A system out of balance - Report No. 5
(May 2007)..... 2720

Standing Committee on Public Administration -

Water Resources Legislation Amendment Bill 2006 (Report No. 5)
(Date published 22 May 2007) (Pursuant to Standing Order 338)..... 2721

Minister for Local Government*Notices -*

Financial Management Act 2006, Under Section 82 - Question Without Notice No. 259, asked in the Legislative Council on 8 May 2007 2722

Parliamentary Secretary representing the Deputy Premier on behalf of the Minister for Child Protection*Annual Reports -*

Medical Board (2005-2006) (Date received 24/05/2007) 2723

Response to Reports -

Select Committee into the Department of Education and Training (Attorney General)..... 2724

Parliamentary Secretary representing the Deputy Premier*Notices -*

Financial Management Act 2006, Under Section 82 - Questions on Notice No's. 1950 - 1954, 1956, and 1958 - 1964 - asked in the Legislative Assembly on 20 March 2007..... 2725

Financial Management Act 2006, Under Section 82 - Questions on Notice No's. 2003 - 2007, and 2011 - 2017 asked in the Legislative Assembly on 20 March 2007... 2726

Reports -

Treasury Corporation Quarterly Report (for the quarter ended 31 March 2007) 2727

Parliamentary Secretary representing the Minister for Planning and Infrastructure*Notices -*

Financial Management Act 2006, Under Section 82 - Questions on Notice No. 1957 - asked in the Legislative Assembly on 20 March 2007..... 2728

Proposals -

Land Administration Act 1997 - Declassification of Class A Reserve 44310 under Section 42(4) of the Land Administration Act 1997 (LAA) 2729

Land Administration Act 1997 - Declassification of Class A Reserves 44309 and 44311 under Section 42(4) of the Land Administration Act 1997 (LAA) 2730

Response to Reports -

Standing Committee on Environment and Public Affairs - In relation to a Petition into the Proposed Marina at Point Peron (Minister for Planning and Infrastructure)..... 2731

8. Standing Committee on Estimates and Financial Operations - Seventh Report - Annual Report 2006

Hon Giz Watson presented the Seventh Report of the Standing Committee on Estimates and Financial Operations in relation to the Annual Report 2006. (Tabled paper 2736).

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

Question - put and passed.

9. Standing Committee on Legislation - State Administrative Tribunal

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

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

10. Matter of Urgency - Public Service - Lack of Effective Leadership

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 lack of effective leadership in the public service and expresses its deep concern about the decline in the integrity and accountability of the public sector under the Carpenter Labor Government.

Yours sincerely

Hon Helen Morton

Member for East Metropolitan Region

Four members having risen in support.

Hon Helen Morton moved the motion.

Debate ensued.

Point of Order

Hon Norman Moore raised the following Point of Order -

That is a very unparliamentary remark and I ask that the Leader of the House withdraw it immediately.

President's Ruling

The President ruled as follows -

Leader of the House, the Leader of the Opposition has invited you to withdraw that comment. I invite you to withdraw it.

The Leader of the House withdrew his remarks.

Debate resumed.

Motion lapsed.

11. Hon Norman Moore

Leader of the House moved, without notice -

That this House acknowledges Hon Norman Moore, the Father of the House, for his 30 years of service to the Legislative Council, the electors of the Mining and Pastoral Region and the people of Western Australia, and places on record our sincere appreciation for his significant contribution as a Member of Parliament and a former Minister of the Crown.

12. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Science tabled, and by leave incorporated into Hansard, details relating to page 236 of the Budget Papers, Division 12, Department of Industry and Resources, in response to a question without notice asked by Hon Barry House. (Tabled paper 2737).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled, and by leave incorporated into Hansard, details relating to intersection of Great Eastern Highway and Roe Highway in Bellevue, in response to a question without notice asked by Hon Donna Faragher. (Tabled paper 2738).

The Leader of the House representing the Minister for Energy tabled a document in relation to details of how much power came from each power source and total capacity of each source, in response to question on notice No. 4703 asked by Hon Norman Moore. (Tabled paper 2739).

The Leader of the House representing the Minister for Resources tabled a letter from CSIRO to Kalgoorlie Consolidated Gold Mines Pty Ltd in relation to a review of Flyrock Potential in the Golden Pike cut back, in response to question on notice No. 4719 asked by Hon Giz Watson. (Tabled paper 2740).

The Minister for Local Government representing the Minister for Education and Training tabled monthly reports in relation to assessment and review presented to the Curriculum Council, in response to question on notice No. 4724 asked by Hon Peter Collier. (Tabled paper 2741).

The Minister for Local Government representing the Minister for Education and Training tabled a document in relation to lists of full time, part time, and temporary employees in ten TAFE colleges in Western Australia for the years 2001, 2002, 2003, 2004, 2005, and 2006, in response to question on notice No. 4463 asked by Hon Peter Collier. (Tabled paper 2742).

13. Hon Norman Moore

Debate resumed on the motion of the Leader of the House (cf item No.11 above).

Question - put and passed.

14. Taxi Amendment Bill 2007

The Deputy President reported the receipt of Message No. 222 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Deputy Premier on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Deputy Premier on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure moved, That the Bill be now read a second time.

Debate stands adjourned.

15. Order of Business

Ordered - That Orders of the Day Nos 379, *Clauses 3 and 10 of the Fish Resources Management Amendment Regulations (No. 8) 2006 - Disallowance*, 380, *Environmental Protection (Regional Power Stations Noise Emissions) Exemption Order 2006 - Disallowance*, 395, *Metropolitan Region Scheme Amendment No. 1027/33 - Whiteman Park and Environs - Disallowance* and 401, *Electricity Networks Access Code Amendments (No. 2) 2006 - Disallowance*, be taken after Order of the Day No. 362, *Acts Amendment (Consent to Medical Treatment) Bill 2006*.

(Minister for Local Government).

16. Appropriation (Consolidated Fund) Bill (No. 5) 2006 and Appropriation (Consolidated Fund) Bill (No. 6) 2006

The Orders of the Day for the further consideration of these Bills, in Committee, having been read.

The Deputy President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Appropriation (Consolidated Fund) Bill (No. 5) 2006

Schedule 1.

Debate resumed.

The Parliamentary Secretary representing the Treasurer, by leave, tabled a paper in relation to the Appropriation (Consolidated Fund) Bill (No.5) 2006 - Details of Recurrent Expenditure Excesses and New Items for the 2005/06 Financial Year (Tabled paper 2743).

Debate resumed.

Schedule agreed to.

Title agreed to.

Appropriation (Consolidated Fund) Bill (No. 6) 2006

Clause 1 agreed to.

Clauses 2 to 3 agreed to.

Schedule 1.

Debate ensued.

The Parliamentary Secretary representing the Treasurer, by leave, tabled a paper in relation to Appropriation (Consolidated Fund) Bill (No.6) 2006 - Details of Capital Expenditure Excesses and New Items for the 2005/06 Financial Year. (Tabled paper 2744).

Debate resumed.

Schedule agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bills reported without amendment.

Report adopted.

Ordered - That the third reading of these Bills be made an Order of the Day for the next sitting.

17. Racing, Wagering and Betting Legislation Amendment and Repeal Bill 2007

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

Debate ensued.

Interruption of Debate [SO 61(b)].**18. Adjournment**

The Minister for Local Government moved, That the House do now adjourn.

Debate ensued.

Hon Peter Collier, by leave, tabled a statement from the English Teachers Forum of Western Australia - Subject - All Year Twelve English Courses 2007. (Tabled paper 2745).

Debate resumed.

Question - put and passed.

The House adjourned at 10.37pm until Wednesday, 30 May 2007 at 4.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Sue Ellery and Hon Margaret Rowe.

MALCOLM PEACOCK

Acting Clerk of the Legislative Council

HON NICK GRIFFITHS

President of the Legislative Council