

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 5

TUESDAY, 25 NOVEMBER 2008

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. Joint Standing Committee on Delegated Legislation - Resignation of Member

The President read the following letter -

Dear Mr President

I wish to resign as a Member of the Joint Standing Committee on Delegated Legislation effective immediately.

Yours sincerely

Hon Ken Travers

3. Petitions

Hon Peter Collier presented a petition from 1 petitioner requesting the Legislative Council oppose the rezoning of the A Class Reserve on which the Claremont Tennis Club and the Par 3 golf course is currently situated. (Tabled paper 363).

Hon Brian Ellis presented a petition from 6 petitioners requesting the Legislative Council support an inquiry into the shortage of abattoir capacity in the State. (Tabled paper 364).

Hon Sally Talbot presented a petition from 216 petitioners requesting the Legislative Council support Yalgorup National Park, in order that it remain compact, manageable and viable for the long term. (Tabled paper 365).

4. 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 - The Hon Anthony David McRae MLA and Mr Rewi Edward Lyall (21 November 2008) (Deemed tabled 21/11/2008)..... 308

Leader of the House

Management Plans -

Fish Resources Management Act 1994 (West Coast Estuarine Fishery (Interim) Management Plan Amendment 2008 G.G. 28/10/2008).....	309
Fish Resources Management Act 1994 (West Coast Rock Lobster Management Plan Amendment 2008 [885] G.G. 02/09/2008)	310

Regulations -

Betting Control Act 1954 (Betting Control Amendment Regulations 2008 G.G. 28/10/2008)	311
Casino Control Act 1984 (Casino Control (Burswood Island) (Licensing of Employees) Amendment Regulations 2008 G.G. 28/10/2008).....	312
Gaming and Wagering Commission Act 1987 (Gaming and Wagering Commission Amendment Regulations (No. 3) 2008 G.G. 28/10/2008).....	313
Liquor Control Act 1988 (Liquor Control Amendment Regulations (No. 3) 2008 G.G. 24/10/2008, Liquor Control Amendment Regulations (No. 4) 2008 G.G. 28/10/2008, Liquor Control Amendment Regulations (No. 5) 2008 G.G. 07/11/2008, and Liquor Control (Oombulgarri Restricted Area) Regulations 2008 G.G. 07/11/2008).....	314
Public Sector Management Act 1994 (Public Sector Management (Breaches of Public Sector Standards) Amendment Regulations 2008 G.G. 28/10/2008)	315
Racing and Wagering Western Australia Act 2003 (Racing and Wagering Western Australia Amendment Regulations 2008 G.G. 28/10/2008).....	316
Racing Penalties (Appeals) Act 1990 (Racing Penalties (Appeals) Amendment Regulations 2008 G.G. 28/10/2008).....	317

Reports -

Community Attitude Monitor (April 2008).....	318
Community Attitude Monitor (July 2008)	319

Rules -

Lotteries Commission Act 1990 (Lotteries Commission (Monday and Wednesday Lotto) Amendment Rules (No. 2) 2008 G.G. 03/10/2008 and Lotteries Commission (Saturday Lotto) Amendment Rules (No. 2) 2008 G.G. 03/10/2008).....	320
--	-----

Minister for Transport

Annual Reports -

Council of Official Visitors (2007-2008) (Date received 25/11/2008)	321
Supervised Release Review Board (2007-2008) (Date received 24/11/2008)	322

Notices -

Health Act 1911 (Shire of Northam - Fees and Charges G.G. 12/08/2008)	323
Supreme Court Act 1935 (Rule of Court - Sittings and Winter Vacation for 2009 G.G. 03/10/2008)	324

Regulations -

Children's Court of Western Australia Act 1988 (Children's Court Regulations 2008 G.G. 22/08/2008).....	325
Electronic Transactions Act 2003 (Electronic Transactions Amendment Regulations 2008 G.G. 19/09/2008).....	326
Evidence Act 1906 (Evidence (Fees, Allowances and Expenses) Regulations 2008 G.G. 26/09/2008).....	327
Juries Act 1957 (Juries Regulations 2008 G.G. 26/09/2008).....	328

Magistrates Court Act 2004 (Magistrates Courts Amendment Regulations 2008 G.G. 22/08/2008 and Magistrates Court (Fees) Amendment Regulations (No. 3) 2008 G.G. 22/08/2008)	329
Poisons Act 1964 (Poisons Amendment Regulations (No. 2) 2008 G.G. 07/11/2008)	330
Port Authorities Act 1999 (Port Authorities Amendment Regulations 2008 G.G. 05/09/2008)	331
Port Authorities Act 1999 (Port Authorities Amendment Regulations (No. 2) 2008 G.G. 31/10/2008)	332
Radiation Safety Act 1975 (Radiation Safety (General) Amendment Regulations 2008 G.G. 02/09/2008)	333
Shipping and Pilotage Act 1967 (Navigable Waters Amendment Regulations (No. 5) 2008 G.G. 24/10/2008)	334
Western Australian Marine Act 1982 (W.A. Marine (Construction, Stability and Engineering) Amendment Regulations 2008 G.G. 24/10/2008, W.A. Marine (Emergency Procedures and Safety of Navigation) Amendment Regulations 2008 G.G. 24/10/2008, W.A. Marine (Hire and Drive Vessels) Amendment Regulations (No. 2) 2008 G.G. 24/10/2008, W.A. Marine (Life Saving Appliances, Fire Appliances and Miscellaneous Equipment) Amendment Regulations 2008 G.G. 24/10/2008, W.A. Marine (Load Lines) Amendment Regulations 2008 G.G. 24/10/2008, and W.A. Marine (Surveys and Certificates of Survey) Amendment Regulations (No. 2) 2008 G.G. 24/10/2008)	335
<i>Rules -</i>	
Magistrates Court Act 2004 (Magistrates Court (General) Amendment Rules (No. 2) 2008 G.G. 03/10/2008)	336
State Administrative Tribunal Act 2004 (State Administrative Tribunal Amendment Rules (No. 2) 2008 G.G. 29/08/2008)	337
Supreme Court Act 1935 (Supreme Court (Corporations) (WA) Amendment Rules 2008 G.G. 12/08/2008)	338
Minister for Energy	
<i>Annual Reports -</i>	
Local Government Standards Panel (2007-2008) (Date received 18/11/2008)	339
<i>Codes -</i>	
Electricity Industry Act 2004 (Electricity Networks Access Code Amendments (No. 2) 2008 G.G. 22/10/2008)	340
<i>Local Laws -</i>	
Cemeteries Act 1986 (Shire of Northam Cemeteries Local Law 2008 G.G. 16/09/2008)	341
Dog Act 1976 (Shire of Cunderdin - Dogs Local Law 2008 G.G. 08/08/2008 and Shire of Northam Dogs Local Law 2008 G.G. 16/09/2008)	342
Local Government Act 1995 (Shire of Donnybrook-Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2008 G.G. 31/10/2008, Shire of Donnybrook-Balingup Extractive Industries Amendment Local Law 2008 G.G. 31/10/2008, Shire of Donnybrook-Balingup Fencing Amendment Local Law 2008 G.G. 31/10/2008, Shire of Plantagenet - Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2008 G.G. 17/10/2008, Town of Cambridge Parking Amendment Local Law 2008 G.G. 10/10/2008, Town of Vincent Local Government Property Amendment Local Law 2008 G.G. 07/10/2008, Town of Vincent Standing Orders Local Law 2008 G.G. 14/10/2008, and Town of Vincent Trading in Public Places Amendment Local Law 2008 G.G. 07/10/2008)	343

Local Government Act 1995 (City of Albany Signs Amendment Local Law 2008 G.G. 26/09/2008, City of Geraldton-Greenough Extractive Industries Local Law 2008 G.G. 18/09/2008, City of South Perth Amendment (Parking and Penalty Units) Local Law 2008 G.G. 30/09/2008, City of Subiaco Repeal Local Law 2008 G.G. 02/09/2008, City of Swan - Consolidated Local Laws 2005 Amendments G.G. 19/09/2008, Shire of Dowerin Local Law Relating to Fencing 2008 G.G. 30/09/2008, Shire of Kalamunda Bee Keeping Local Law 2008 G.G. 26/09/2008, Shire of Kalamunda Fencing Local Laws 2008 G.G. 03/10/2008, Shire of Murray Parking and Parking Facilities Local Law 2008 G.G. 15/08/2008, Shire of Northam Activities on Thoroughfares and Public Places and Trading Local Law 2008 G.G. 16/09/2008, Shire of Northam Extractive Industries Local Law 2008 G.G. 16/09/2008, Shire of Northam Fencing Local Law 2008 G.G. 16/09/2008, Shire of Northam Keeping and Control of Cats Local Law 2008 G.G. 16/09/2008, Shire of Northam Local Government Property Local Law 2008 G.G. 16/09/2008, Shire of Northam Operation of Waste Disposal Facilities Local Law 2008 G.G. 16/09/2008, Shire of Northam Parking and Parking Facilities Local Law 2008 G.G. 16/09/2008, Shire of Northam Repeal Local Law 2008 G.G. 16/09/2008, Shire of Northam Standing Orders Local Law 2008 G.G. 16/09/2008, Town of Claremont Signs Amendment Local Law 2008 G.G. 19/08/2008, and Town of Vincent Parking and Parking Facilities Amendment Local Law 2008 G.G. 05/08/2008).....	344
<i>Response to Reports -</i>	
Standing Committee on Estimates and Financial Operations - Balga Works Program (Report No. 12) (Minister for Education).....	345
Minister for Child Protection	
<i>By-laws -</i>	
Perth Market Act 1926 (Perth Market Amendment By-laws 2008 G.G. 10/10/2008)	346
<i>Ministerial Approvals -</i>	
Midland Redevelopment Act 1999 - Acquisition of land of value in excess of \$1 million - Lot 602 Yelverton Drive, Midland, from International Enterprises Pty Ltd.....	347
Midland Redevelopment Act 1999 - Proposed Amendment to the Midland Redevelopment Scheme	348
<i>Orders -</i>	
Genetically Modified Crops Free Areas Act 2003 (Genetically Modified Crops Free Areas Exemption Order (No. 2) 2008 G.G. 08/08/2008).....	349
<i>Regulations -</i>	
Planning and Development Act 2005 (Planning and Development (Local Government Planning Fees) Amendment Regulations 2008 G.G. 10/10/2008)	350
Seeds Act 1981 (Seeds Amendment Regulations 2008 G.G. 16/09/2008).....	351
Parliamentary Secretary to the Minister for Water	
<i>By-laws -</i>	
Country Areas Water Supply Act 1947 (Country Areas Water Supply Amendment By-laws (No. 3) 2008 G.G. 26/08/2008).....	352
Country Towns Sewerage Act 1948 (Country Towns Sewerage Amendment By-laws (No. 3) 2008 G.G. 26/08/2008)	353
Metropolitan Water Supply, Sewerage, and Drainage Act 1909 (Metropolitan Water Supply, Sewerage and Drainage Amendment By-laws (No. 5) 2008 G.G. 26/08/2008).....	354
<i>Proposals -</i>	
Land Administration Act 1997, Section 42(4) - Submission No. 11/2008 - Excision of Portion of Class A Reserve No. 45409 (Bold Park).....	355

Land Administration Act 1997, Section 42(4) - Submission No. 8/2008 - Change of Purpose and Redescription of Class A Reserve 26646 - Carnac Island (City of Cockburn).....	356
--	-----

Parliamentary Secretary representing the Treasurer

Annual Reports -

Commission for Occupational Safety and Health (2007-2008) (Date received 18/11/2008)	357
--	-----

Orders -

Travel Agents Act 1985 (Travel Agents (Revocation of Exemption) Order 2008 G.G. 17/10/2008).....	358
--	-----

Regulations -

Fair Trading Act 1987 (Fair Trading (Product Safety Standard) Amendment Regulations (No. 3) 2008 G.G. 22/08/2008)	359
Industrial Relations Act 1979 (Industrial Relations Commission Amendment Regulations (No. 5) 2008 G.G. 31/10/2008)	360
Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment Regulations (No. 4) 2008 G.G. 07/11/2008).....	361
Petroleum Products Pricing Act 1983 (Petroleum Products Pricing Amendment Regulations 2008 G.G. 12/08/2008).....	362

5. Standing Committee on Public Administration - Special Report - Statutory Office Holder Grievance Procedures

Hon Barry House presented a Special Report of the Standing Committee on Public Administration in relation to a resolution of the Committee on 12 November 2008 to commence an inquiry into the *Statutory Office Holder Grievance Procedures*. (Tabled paper 366).

Hon Barry House moved, That the Report do lie upon the Table.

Question - put and passed.

6. Standing Committee on Public Administration - Special Report - Governance of Western Australia's Water Resources

Hon Barry House presented a Special Report of the Standing Committee on Public Administration in relation to a resolution of the Committee on 12 November 2008 to commence an inquiry into the *Governance of Western Australia's Water Resources*. (Tabled paper 367).

Hon Barry House moved, That the Report do lie upon the Table.

Question - put and passed.

7. Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2008

The Minister for Mines and Petroleum: To move on the next day of sitting -

That a Bill for "An Act to amend the *Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Act 2002*." be introduced and read a first time.

8. Standing Committee on Public Administration - Report No. 7 - Annual Report 2007

Hon Barry House: To move on the next day of sitting -

That the Seventh Report of the Standing Committee on Public Administration titled *Annual Report 2007* tabled in the Legislative Council on 13 May 2008 be reinstated as an Order of the Day for the next sitting.

9. Standing Committee on Public Administration - Report No. 8 - Inquiry into the Management of Asbestos Containing Materials in Western Australian State Schools

Hon Barry House: To move on the next day of sitting -

That the Eighth Report of the Standing Committee on Public Administration titled *Inquiry into the Management of Asbestos Containing Materials in Western Australian State Schools* tabled in the Legislative Council on 18 June 2008 be reinstated as an Order of the Day for the next sitting.

10. Standing Committee on Estimates and Financial Operations

Hon Giz Watson: To move on the next day of sitting -

That the Twelfth Report of the Standing Committee on Estimates and Financial Operations titled *Balga Works Program* tabled in the Legislative Council on 29 May 2008 be reinstated as an Order of the Day for the next sitting.

11. Matter of Urgency - Uranium Mining in Western Australia

The President read the following letter -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that the House, as a matter of urgency, calls on the Government to recognise the unacceptable risk to the community and the environment posed by uranium mining and immediately reinstate the ban on uranium mining in Western Australia.

Yours sincerely

Hon Giz Watson

Member for North Metropolitan Region

Four members having risen in support.

Hon Giz Watson moved the motion.

Debate ensued.

Motion lapsed.

12. Section 38 - Constitution Acts Amendment Act 1899

The Leader of the House moved, without notice -

That Motion No. 6 in relation to Section 38 *Constitution Acts Amendment Act 1899* be made an Order of the Day for the next sitting of the House.

Question - put and passed.

13. Joint Standing Committee on Delegated Legislation - Appointment of Member

The Leader of the House moved, without notice -

That Hon Kim Chance be appointed as a Member of the Joint Standing Committee on Delegated Legislation.

Question - put and passed.

14. Parliamentary Services Committee - Appointment of Members

The Leader of the House moved, without notice -

That the following Members be appointed to the Parliamentary Services Committee -

- Hon Sheila Mills;
- Hon Sally Talbot;

- Hon George Cash;
- Hon Kate Doust; and
- Hon Ken Baston.

Question - put and passed.

15. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the Address-in-Reply.

Debate resumed.

16. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier tabled documents in relation to Mr Peter Conran's employment history relating to his appointment to the position of Director General of the Department of the Premier and Cabinet, in response to a question without notice asked by Hon Adele Farina. (Tabled paper 368).

17. Address-In-Reply

Debate resumed on the Address-in-Reply (cf item 15 above).

On the motion of Hon Bruce Donaldson the debate was adjourned to the next sitting.

18. Joint Standing Committee on the Corruption and Crime Commission

The Order of the Day having been read for the consideration of Message No. 2 from the Legislative Assembly.

The Message was as follows -

That for the present Parliament, in accordance with Legislative Assembly Standing Orders 289 to 293, a Joint Standing Committee on the Corruption and Crime Commission be appointed by the Legislative Assembly and the Legislative Council;

and requests the Legislative Council to agree to a similar resolution.

The Leader of the House moved, without notice -

That in response to Legislative Assembly Message No. 2, the Legislative Council agrees to the Legislative Assembly's resolution and appoints the following Members to the Joint Standing Committee on the Corruption and Crime Commission —

- Hon Ray Halligan; and
- Hon Ken Travers.

Question - put and passed.

19. Joint Standing Committee on the Commissioner for Children and Young People

The Order of the Day having been read for the consideration of Message No. 3 from the Legislative Assembly.

The Message was as follows -

That for the present Parliament -

- (a) pursuant to section 51 of the *Commissioner for Children and Young People Act 2006*, a Joint Standing Committee on the Commissioner for Children and Young People be appointed by the Legislative Assembly and the Legislative Council.
- (b) The Joint Standing Committee shall comprise 2 members appointed by the Legislative Assembly and 2 members appointed by the Legislative Council.

- (c) It is the function of the Joint Standing Committee to —
 - (i) monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
 - (ii) to examine Annual and other Reports of the Commissioner; and
 - (iii) to consult regularly with the Commissioner.
- (d) A report of the Joint Standing Committee will be presented to the Legislative Assembly and the Legislative Council by members of the Joint Standing Committee nominated by it for that purpose.
- (e) The Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied;

and requests the Legislative Council to agree to a similar resolution.

The Leader of the House moved, without notice -

That in response to Legislative Assembly Message No. 3, the Legislative Council agrees to the Legislative Assembly's resolution and appoints the following Members to the Joint Standing Committee on the Commissioner for Children and Young People —

- Hon Barbara Scott; and
- Hon Carolyn Burton.

Question - put and passed.

20. Surrogacy Bill 2008

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

Debate resumed.

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3.

Debate ensued.

Hon Helen Morton moved -

Page 2, line 14 — To delete “a person or”.

Debate ensued.

Interruption of Debate [SO 61(c)].

The Acting President resumed the Chair.

The Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

21. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.00pm until Wednesday, 26 November 2008 at 4.00pm.

Members present during the day's proceedings

Attendance: Present all Members.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council