

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 178

WEDNESDAY, 28 SEPTEMBER 2011

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### 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. Fish Resources Management Amendment Bill 2011

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 212

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Fish Resources Management Amendment Bill 2011* without amendment.

Ms L.L. Baker

Acting Speaker

Legislative Assembly Chamber

Perth, 28 September 2011

### 3. Petition

Hon Giz Watson on behalf of Hon Robin Chapple presented a petition from 326 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 3897).

### 4. Papers

The following Papers were laid on the Table by -

#### President

##### *Annual Reports -*

Commissioner for Children and Young People (2010-2011) (Date received 27/09/2011) ..... 3841

Governor's Establishment (2010-2011) (Date received 27/09/2011)..... 3842

Corruption and Crime Commission (2010-2011) (Date received 28/09/2011)..... 3843

Information Commissioner, Office of the (2010-2011) (Date received 28/09/2011)..... 3844

Parliamentary Commissioner for Administrative Investigations [Ombudsman] (2010-2011) (Date received 28/09/2011)..... 3845

*Auditor General's Papers -*

Ensuring Compliance with Conditions on Mining (Report No. 8) (September 2011)..... 3846

*Joint Standing Committee on Treaties (Commonwealth of Australia) -*

Report No. 119 - Treaties tabled on 5 July 2011 - (Instrument Amending the Constitution of the International Telecommunication Union (Geneva, 1992) and Instrument Amending the Convention of the International Telecommunication Union (Geneva, 1992))..... 3847

**Leader of the House***Annual Reports -*

Equal Opportunity in Public Employment, Director of (2010-2011)  
(Date received 21/09/2011)..... 3848

Gold Corporation (2010-2011) (Date received 27/09/2011)..... 3849

Lotterywest (2010-2011) (Date received 27/09/2011)..... 3850

Professional Combat Sports Commission (2010-2011) (Date received 27/09/2011)..... 3851

Premier and Cabinet, Department of (2010-2011) (Date received 27/09/2011)..... 3852

State Development, Department of (2010-2011) (Date received 27/09/2011)..... 3853

**Minister for Finance***Annual Reports -*

Broome Port Authority (2010-2011) (Date received 27/09/2011)..... 3854

Bunbury Port Authority (2010-2011) (Date received 27/09/2011)..... 3855

Coastal Shipping Commission, [Stateships] (2010-2011) (Date received 27/09/2011)..... 3856

Country Housing Authority (2010-2011) (Date received 27/09/2011)..... 3857

Economic Regulation Authority (2010-2011) (Date received 27/09/2011)..... 3858

Fremantle Ports Authority (2010-2011) (Date received 27/09/2011)..... 3859

Geraldton Port Authority (2010-2011) (Date received 27/09/2011)..... 3860

Housing Authority (2010-2011) (Date received 27/09/2011)..... 3861

Housing, Department of (2010-2011) (Date received 27/09/2011)..... 3862

Insurance Commission (2010-2011) (Date received 27/09/2011)..... 3863

Main Roads (2010-2011) (Date received 27/09/2011)..... 3864

Port Hedland Port Authority (2010-2011) (Date received 27/09/2011)..... 3865

Public Transport Authority (2010-2011) (Date received 27/09/2011)..... 3866

State Government Insurance Corporation (2010-2011) (Date received 27/09/2011)..... 3867

State Supply Commission (2010-2011) (Date received 27/09/2011)..... 3868

Transport, Department of (2010-2011) (Date received 27/09/2011)..... 3869

Treasury Corporation (2010-2011) (Date received 27/09/2011)..... 3870

**Minister for Energy***Annual Reports -*

Building and Construction Industry Training Board (2010-2011) (Date received 27/09/2011)..... 3871

Country High School Hostels Authority (2010-2011) (Date received 27/09/2011)..... 3872

Curriculum Council (2010-2011) (Date received 27/09/2011)..... 3873

Education, Department of, (2010-2011) (Date received 27/09/2011)..... 3874

Education Services, Department of (2010-2011) (Date received 27/09/2011) .....	3875
Energy Disputes Arbitrator (2010-2011) (Date received 27/09/2011).....	3876
Energy, Office of (2010-2011) (Date received 27/09/2011) .....	3877
Fire and Emergency Services Authority (2010-2011) (Date received 27/09/2011).....	3878
Indigenous Affairs, Department of (2010-2011) (Date received 27/09/2011) .....	3879
Police, Western Australia (2010-2011) (Date received 27/09/2011) .....	3880
Public Education Endowment Trust (2010-2011) (Date received 27/09/2011) .....	3881
State Training Board (2010-2011) (Date received 27/09/2011).....	3882
Training Accreditation Council (2010-2011) (Date received 27/09/2011) .....	3883
Training and Workforce Development, Department of (2010-2011) (Date received 22/09/2010).....	3884

### **Minister for Child Protection**

#### *Annual Reports -*

Forest Products Commission (2010-2011) (Date received 27/09/2011) .....	3885
Rural Business Development Corporation (2010-2011) (Date received 27/09/2011).....	3886

### **Minister for Mental Health**

#### *Annual Reports -*

Environmental Protection Authority and Office of the Environmental Protection Authority (2010-2011) (Date received 27/09/2011).....	3887
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#### *Ministerial Approvals -*

Midland Redevelopment Act 1999 - Approval for endorsement of deposited Plan 70650 - SU0013 Lot 9502, 9503 and 9011 Yelverton Drive and Lot 9504 Centennial Place, Midland. ....	3888
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### **Parliamentary Secretary representing the Premier (on Public Sector)**

#### *Annual Reports -*

Public Sector Commission (2010-2011) (Date received 27/09/2011).....	3889
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### **Parliamentary Secretary representing the Attorney General**

#### *Annual Reports -*

Corruption and Crime Commission - Surveillance Devices Act 1998 (2010-2011) (Date received 27/09/2011) .....	3890
Corruption and Crime Commission - Telecommunications (2010-2011) (Date received 27/09/2011).....	3891
Criminal Injuries Compensation, Office of (2010-2011) (Date received 27/09/2011) .....	3892
Legal Aid (2010-2011) (Date received 27/09/2011) .....	3893
Public Advocate (2010-2011) (Date received 27/09/2011).....	3894
Public Trustee (2010-2011) (Date received 27/09/2011) .....	3895

### **Parliamentary Secretary representing the Minister for Regional Development**

#### *Annual Reports -*

Regional Development and Lands, Department of (2010-2011) (Date received 27/09/2011)...	3896
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## **5. Matter of Privilege - Hon Adele Farina MLC - Establishment of Select Committee**

Hon Adele Farina moved, pursuant to Standing Order No. 155, without notice -

That a Select Committee be appointed to inquire into a breach of Parliamentary Privilege by Hon Helen Morton on 21 September 2011.

Hon Adele Farina tabled documents in relation to the alleged breach of Parliamentary Privilege. (Tabled paper 3898).

Motion stands adjourned and pursuant to Standing Order No. 155(4), the President shall rule on the matter at the next sitting of the House.

## **6. Household Fees and Charges**

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

That this House condemns the Barnett/Grylls Government for the savage increases in household fees and charges and the abolition of assistance payments to families such as the \$400 "It pays to learn allowance" which has resulted in families being up to \$1 700 worse off.

We note that the savage 57 percent increase in electricity and 46 percent increase in water charges over two years has resulted in an increase in the dividends the State Government is receiving from the power and water utilities.

We say enough is enough and call on the Barnett/Grylls Government to keep future increases to below the rate of inflation.

*Interruption pursuant to Temporary Orders.*

## **7. 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)

#### **Mental Health Review - Ministerial Statement**

Debate resumed on the motion of Hon Ljiljanna Ravlich, That the Ministerial Statement be noted.

## **8. Questions Without Notice**

Questions without notice were taken.

The Leader of the House representing the Premier, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 4553 asked by Hon Alison Xamon will be provided on 29 September 2011.

The Leader of the House representing the Minister for State Development, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 4554 asked by Hon Alison Xamon will be provided on 29 September 2011.

The Leader of the House representing the Premier, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 4559 asked by Hon Alison Xamon will be provided by 20 October 2011.

The Minister for Mental Health, in accordance with Standing Order No. 138(d), advised that answers to questions on notice Nos 4568, 4569, 4572, 4573 and 4575 asked by Hon Ljiljanna Ravlich will be provided on 20 October 2011.

The Minister for Disability Services, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 4557 asked by Hon Alison Xamon will be provided on 20 October 2011.

The Parliamentary Secretary representing the Premier tabled, and by leave incorporated into Hansard, documents in relation to the resignation of Craig Hynes, Chief Operations Officer of the Fire and Emergency Services Authority, in response to a question without notice asked by Hon Sue Ellery on behalf of Hon Ed Dermer. (Tabled paper 3899).

## **9. Consideration of Committee Reports and Ministerial Statements**

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements (cf item 7 above).

### **In Committee**

(Hon Matt Benson-Lidholm in the Chair)

#### **Mental Health Review - Ministerial Statement**

Debate resumed on the motion of Hon Ljiljana Ravlich, That the Ministerial Statement be noted.

Question - put and passed.

#### **Standing Committee on Environment and Public Affairs - Report No. 21 - Shack Sites in Western Australia - Committee Report**

Hon Brian Ellis moved, That the Report be noted.

Debate ensued.

*Interruption pursuant to Temporary Orders.*

The Deputy President resumed the Chair.

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

- (1) Mental Health Review - Ministerial Statement and had noted same.
- (2) Standing Committee on Environment and Public Affairs - Report No. 21 - Shack Sites in Western Australia - Committee Report, made progress, and asked leave to sit again.

Report adopted.

## **10. Papers**

The following Papers, by leave, were laid on the Table by -

### **Leader of the House**

#### *Annual Reports -*

Albany Port Authority (2010-2011) (Date received 28/09/2011) .....	3900
Communities, Department for (2010-2011) (Date received 28/09/2011) .....	3901
Director of Public Prosecutions, Office of the (2010-2011) (Date received 28/09/2011).....	3902
Equal Opportunity Commission (2010-2011) (Date received 28/09/2011) .....	3903
Fire and Emergency Services Superannuation Board (2010-2011) (Date received 28/09/2011).....	3904
Fisheries, Department of - State of the Fisheries and Aquatic Resources Report (2010 - 2011) (Date received 28/09/2011) .....	3905
Government Employees Superannuation Board [GESB] (2010-2011) (Date received 28/09/2011) .....	3906
Health, Department of (2010-2011) (Date received 28/09/2011).....	3907
Healthway (2010-2011) (Date received 28/09/2011) .....	3908
Law Reform Commission (2010-2011) (Date received 28/09/2011).....	3909

Legal Costs Committee (2010-2011) (Date received 28/09/2011).....	3910
Local Government, Department of (2010-2011) (Date received 28/09/2011) .....	3911
Local Health Authority Analytical Committee (2010-2011) (Date received 28/09/2011).....	3912
Professional Standards Council (2010-2011) (Date received 28/09/2011) .....	3913
Tourism Western Australia (2010-2011) (Date received 28/09/2011).....	3914
Treasury and Finance, Department of (2010-2011) (Date received 28/09/2011).....	3915
WA Country Health Service (2010-2011) (Date received 28/09/2011).....	3916
<i>Annual Reports - Extension of Time -</i>	
Metropolitan Health Service - Annual Report 2010-2011, extension of time to report (Date received 28/09/2011).....	3917
<i>Financial Statements -</i>	
Professional Standards Council (For the year ending 30 June 2011) (Date received 28/09/2011).....	3918
<i>Reports -</i>	
Lotterywest - Statement of Corporate Intent (2011-2012) (Date received 28/09/2011) .....	3919
Water Corporation - Statement of Corporate Intent (2011-2012) (Date received 28/09/2011).....	3920

## 11. Metropolitan Redevelopment Authority Bill 2011

The Order of the Day having been read for the third reading of this Bill.

The Minister for Mental Health representing the Minister for Planning moved, That the Bill be now read a third time.

The Deputy President having reported that the Deputy 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.

Debate ensued.

Question - put.

The House divided.

### Ayes (28)

Hon Ken Baston  
Hon Liz Behjat  
Hon Matt Benson-Lidholm  
Hon Helen Bullock  
Hon Jim Chown  
Hon Peter Collier  
Hon Mia Davies  
Hon Ed Dermer  
Hon Kate Doust  
Hon Wendy Duncan  
Hon Phil Edman  
Hon Sue Ellery  
Hon Brian Ellis  
Hon Donna Faragher

Hon Adele Farina  
Hon Philip Gardiner  
Hon Nick Goiran  
Hon Alyssa Hayden  
Hon Col Holt  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Norman Moore  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Ljiljanna Ravlich  
Hon Ken Travers  
Hon Max Trenorden  
Hon Linda Savage (*Teller*)

### Noes (3)

Hon Giz Watson  
Hon Alison Xamon

Hon Lynn MacLaren (*Teller*)

Question thus passed.

Bill read a third time and passed.

## **12. Professional Combat Sports Amendment Bill 2009**

The Order of the Day having been read for the third reading of this Bill.

The Leader of the House representing the Minister for Sport and Recreation moved, That the Bill be now read a third time.

The Deputy President having reported that the Deputy 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.

## **13. Cat Bill 2011**

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

Debate resumed.

*Interruption pursuant to Temporary Orders.*

## **14. Members' Statements**

Statements were taken.

## **15. Adjournment**

The House adjourned at 10.13pm until Thursday, 29 September 2011 at 10.00am.

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

Attendance: Present all Members except Hon Jon Ford and Hon Sally Talbot.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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