

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 81

TUESDAY, 20 APRIL 2010

1. Meeting of Council

The Council assembled at 3.00pm pursuant to Temporary Orders.

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

2. Statement by President - Legislative Council Chamber

The President made the following Statement -

Members, this is the first formal session of the Legislative Council in the newly refurbished chamber. I hope Members will bear with me, because they will have heard most of this yesterday, but I wish to place a few comments on the Hansard record to acknowledge the occasion.

I wish to thank the Governor of Western Australia, Dr Ken Michael AC—who is also at this moment the Administrator of the Commonwealth of Australia for a few weeks—for officially opening the new-look chamber yesterday. I thank all 36 Members who attended the opening, along with their partners and many other distinguished guests. As I mentioned during yesterday's opening ceremony, this transition marks another chapter in the history of the Legislative Council in Western Australia. It has evolved from the original five-man chamber of 1832, through representative government in 1870, to responsible government in 1890, when the Legislative Council took on the role of upper house and house of review in our bicameral system.

From humble beginnings in a shed built from imported timber, which had previously served as a temporary residence and office for the then Captain Stirling on the site now occupied by Council House on St Georges Terrace, to premises in Barrack Street near the town hall, and eventually to this site in 1904, the Legislative Council has seen many changes involving its structure, representation, eligibility of Members and voters, as well as methods of elections. During those 178 years, though, a few things have remained constant. There has always been financial scrutiny, right from the first budget presented by Governor Stirling, who was the executive, and Members who had different priorities between funds for extra police and public works, such as roads and railways. This still occurs today, with the most prominent business before the House for the next month being budget bills.

After a long wait, I am very pleased to preside over the latest of these structural changes—the newly refurbished Legislative Council chamber. Members will no doubt share my pleasure at the natural order returning, with each House in its proper chamber. The dominant features of the room, such as the panelled walls, stained glass and horseshoe configuration, have been retained, remaining true to the original vision. The individual chairs are the most obvious difference; although, as individual chairs were initially used in the 1904 chamber, it could be

regarded as more faithful to the original than the horsehair-stuffed benches that were used from the 1920s until recently. They are surely the relic of a bygone era.

Some provision for the future has also been made, with additional chairs and benches, and the capacity for Members to enter the electronic age. Apart from the timer, the new technology has been applied in a discreet fashion to retain the original feel of the room. As the Governor pointed out yesterday, the history of the Parliament has been one of long delays between stages; I am reminded of the construction of medieval cathedrals in Europe, which sometimes took hundreds of years to finish. Each burst of wealth or devoutness would spur another attempt to finish these structures; I hope there are some parallels here for us.

The period in between the first two major stages of the Parliament construction is worth contemplating; there was, and remains, a reluctance to invest in the buildings of the Parliament. This might reflect a traditional historical suspicion of authority, or perhaps a fear that Parliament might become too grand and remote from the people. It is difficult to criticise these sentiments; people should be wary of government and, in fact, our system relies on it to some degree. Nonetheless, the Parliament building is one of our most pre-eminent public buildings and its importance in our system of government should be reflected in its stateliness and functionality.

The two periods of major construction of the Parliament both coincided with periods of mining and resource expansion in Western Australia - the gold rush era and the 1960s mineral boom. The benefits of these periods of relative wealth are apparent around us, as they funded massive expansions in building and public works as a permanent legacy; this Parliament was one of these buildings. As we are now in the midst of another historic period of sustained growth, particularly in the mining and gas industries, the pattern of history seems to be repeating itself, with first the Legislative Assembly chamber, and now the Legislative Council chamber, being given much-needed attention in recent times.

I sincerely hope that a portion of the current era of prosperity is invested in providing lasting legacies, just as previous strong financial years produced His Majesty's Theatre and the Mitchell Freeway, for example. I strongly suggest that it is now time to revisit the issue last contemplated during the 1960s, when the Parliament and the city were separated by Mitchell Freeway. There are currently positive signs that the linkages between Perth and the waterfront, as well as Northbridge, are being addressed. With the East Perth redevelopment well underway, it leaves the connections between the city and Parliament, incorporating West Perth and Kings Park, to be addressed. The moat-like effect of the Mitchell Freeway is regrettable symbolism for a democratic institution; Parliament belongs to the people. I am sure this was not envisaged by our forefathers when this site was chosen—against, I might add, a parliamentary committee's recommendation to build at the site now occupied by Perth City Council.

It is my keen hope that the master plan currently being worked on by the State Architect to devise the best way to reconnect the city and the Parliament, as well as to incorporate the Parliament's future needs along with government accommodation and Perth City Council plans, together with parliamentary precinct legislation, will indicate the way forward. Following that, of course, we need the financial commitment to make it happen. In the meantime, and for many years to come, I am confident that the Legislative Council will continue to play a valuable and central role as one half of the Parliament of Western Australia; the legislative arm of governance in Western Australia.

This modern refurbishment will enhance the comfort and efficiency of Members and staff, and I sincerely hope that the fiscal imbalance that has opened up in the past decade will also be addressed so that the Legislative Council's proud history of scrutinising legislation and budgets, together with extensive committee work, will not be impeded.

To mark the occasion of the refurbishment of the chamber, a time capsule has been prepared. This will be interred inside the wooden panel directly behind me. Each Member was asked to supply an item for the capsule. I note that the choices Members have made seem to reflect the

diversity of the Chamber; some of the items reflect current debates in the community, such as genetically modified canola seeds.

Others included a Claremont Football Club tie, sands from riverbanks and beaches in the South Metropolitan Region, several inaugural speeches, a cartoon from *The West Australian* on the Legislative Council's punitive powers, a boarding pass, information on the Avon Valley, a dog spike and Western Australian Government Railways original foundry furnace machine badge from the Midland Workshop site, and a history of Wanneroo. My contribution was a small wooden portion of the section of the Busselton jetty that was severely damaged by cyclone Alby in 1972. The Governor and I ceremonially sealed that time capsule yesterday and within the next few days it will be permanently sealed and placed in the chamber for future generations to discover and reflect on.

A great deal of work and effort has occurred to bring us to this point. I will take a moment to formally thank those people and to put their contribution on the record. I acknowledge at the outset my predecessor, Hon Nick Griffiths, who, as President at the time, battled successive governments and Treasury to gain the funding necessary for this upgrade. I acknowledge Hon Kim Hames, who was at the opening yesterday representing the Premier, who was involved in a Council of Australian Governments conference, and the Treasurer and the government for providing the finance.

I specifically thank the builders and contractors: from Oldfield Knott Architect Pty Ltd, the principal, Dean Wood, the project architect, Patrick Barratt, and the design/project architect, Annie Lee; Phillip Griffiths, a heritage architect at Phillip Griffiths Architects; from Myers Construction, the site manager, Ken Myers, and the contract manager, Jeff Mann; from Building Management and Works, Bruno Zambotti, and his senior project director, Wayne Carter, and manager of planning, Ross Smith; NS Projects project manager, Col Levison; WSP Lincolne Scott senior engineer, Terence Wong; HW and Associates, quantity surveyors, director Brad Bell; Vizcom Technologies for lights and displays; and, Mr Jason Robinson of the Robinson Group, which was largely responsible for the chairs that Members are sitting on today.

I acknowledge the Parliamentary Services Department's Executive Manager Russell Bremner and his staff. It is always dangerous to single out individuals, but I will single out a couple of people. Graham McDonald supervised this project like an expectant father at the birth of his child and has done an outstanding job, and Peter Pascoe and Dan Cochrane performed their usual professional services.

To the Legislative Council staff and Members, I wish to record thanks to the Clerk Malcolm Peacock, who worked long and hard on this project, especially on the information technology aspects of it; Donald Allison, who was involved particularly in the historical and heritage issues; and Chris Hunt, the Usher of the Black Rod. All the other Members of the Legislative Council who have been outstanding. Two other people who played a valuable part are the Executive Assistant to the Clerk, Corinne Briant, and my Executive Assistant, Lorraine Coogan. They played a very large part in the ceremony performed yesterday.

Members, I am very pleased with the outcome of this refurbishment and I hope that all Members enjoy them in a productive way into the future.

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 -

1 April 2010 - Message No. 88

Act No.

Equal Opportunity Amendment Bill 2009

2 of 2010

4. Message from the Lieutenant Governor and Deputy of the Governor - Assent to Bill

The President reported the receipt of a Message from the Lieutenant Governor and Deputy of the Governor assenting to the following Bill -

7 April 2010 - Message No. 89

Act No.

Professional Standards Amendment Bill 2009

3 of 2010

5. Petitions

Hon Giz Watson presented a petition, by delivery to the Clerk, [SO 130], from 239 petitioners requesting the Legislative Council support the preservation of leased shack-site communities for alternative recreational holiday destinations for Western Australians. (Tabled paper 1923).

Hon Giz Watson presented a petition from 68 petitioners requesting the Legislative Council oppose the Moore River Development. (Tabled paper 1924).

Hon Michael Mischin presented a petition from 28 petitioners requesting the Legislative Council to call on the Government to address the concerns of the petitioners in relation to the behaviour of the tenants residing at 18 Condicote Loop, Butler. (Tabled paper 1925).

6. Papers

The following Papers were laid on the Table by -

President

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Treaty tabled on 16 March 2010 - Agreement between the Government of Australia and the Government of the former Yugoslav Republic of Macedonia on Social Security (Canberra, 26 October 2009) 1904

Treaties tabled on 29 March 2010 - Agreement between the Government of Australia and the Government of the Cook Islands on the Exchange of Information with respect to Taxes (Rarotonga, 27 October 2009) - Agreement between the Government of Australia and the Government of the Cook Islands on the Allocation of Taxing Rights with Respect to Certain Income of individuals and to Establish a Mutual Agreement Procedure in Respect of Transfer Pricing Adjustments (Rarotonga, 27 October 2009) - Agreement between the Government of Australia and the Government of Gibraltar on the Exchange of Information with Respect to Taxes (London, 25 August 2009) - Agreement between the Government of Australia and the States of Guernsey for the Exchange of Information Relating to Tax Matters (London, 7 October 2009) - Agreement between the Government of Australia and the States of Guernsey for the Allocation of Taxing Rights with Respect to Certain Income of Individuals and to Establish a Mutual Agreement Procedure in Respect of Transfer Pricing Adjustments (London, 7 October 2009) 1905

Leader of the House

Orders -

Fish Resources Management Act 1994 (Prohibition on Commercial Fishing (Shoalwater Islands Marine Park) Order 2010 [959] G.G. 16/04/2010 and Prohibition on Recreational Fishing (Shoalwater Islands Marine Park) Order 2010 [959] G.G. 16/04/2010) 1906

Regulations -

Gold Corporation Act 1987 (Gold Corporation (Policy Instruments) Regulations 2009 G.G. 01/04/2010)..... 1907

Minister for Transport*Regulations -*

Cremation Act 1929 (Cremation Amendment Regulations 2010 G.G. 13/04/2010)	1908
Perth Parking Management Act 1999 (Perth Parking Management Amendment Regulations 2010 G.G. 01/04/2010).....	1909

Minister for Energy*Local Laws -*

Dog Act 1976 (Shire of Koorda Dogs Amendment Local Law 2010 G.G. 13/04/2010).....	1910
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Regulations -

Electricity Transmission and Distribution Systems (Access) Act 1994 (Electricity Distribution Amendment Regulations 2010 G.G. 16/04/2010)	1911
Misuse of Drugs Act 1981 (Misuse of Drugs Amendment Regulations 2010 G.G. 30/03/2010)	1912

Statutes -

Curtin University of Technology Act 1966 (Curtin University of Technology Statute No. 10 - Student Discipline G.G. 09/04/2010).....	1913
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Minister for Child Protection*Regulations -*

Plant Diseases Act 1914 (Plant Diseases Amendment Regulations 2010 G.G. 30/03/2010).....	1914
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Minister for Environment*Leases -*

CALM Lease No. 1034/97 - Between CALM and Manjimup Motor Cycle Club (Inc) - State Forest No. 37	1915
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Parliamentary Secretary representing the Treasurer*Annual Reports -*

Painters Registration Board (2008-2009) (Date received 13/04/2010)	1918
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By-laws -

Water Boards Act 1904 (Busselton Water Area Amendment By-laws 2010 G.G. 01/04/2010)	1919
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Regulations -

Duties Act 2008 (Duties Amendment Regulations 2010 G.G. 01/04/2010).....	1920
Insurance Commission of Western Australia Act 1986 (Insurance Commission of Western Australia (Policy Instruments) Regulations 2009 G.G. 01/04/2010).....	1921
State Superannuation Act 2000 (Government Employees Superannuation Board (Policy Instruments) Regulations 2009 G.G. 01/04/2010).....	1922

Parliamentary Secretary representing the Attorney General*Regulations -*

Evidence Act 1906 (Evidence (Prescribed Persons) Amendment Regulations 2010 G.G. 09/04/2010)...	1916
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Rules -

Supreme Court Act 1935 (Supreme Court (Corporations) (WA) Amendment Rules 2010 G.G. 01/04/2010).....	1917
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7. Liquor Control Amendment Regulations (No. 7) 2009 - Disallowance

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

That the *Liquor Control Amendment Regulations (No. 7) 2009* published in the *Gazette* on 20 November 2009 and tabled in the Legislative Council on 24 November 2009 under the *Liquor Control Act 1988*, be and are hereby disallowed.

8. Order of Business

Ordered - That Orders of the Day Nos 2, *Genetically Modified Crops Free Areas Exemption Order - Disallowance*, 4, *Betting Control Amendment Regulations (No. 4) 2009 - Disallowance*, 5, *Casino Control Amendment Regulations 2009 - Disallowance*, 6, *Casino Control (Burswood Island) (Licensing of Employees) Amendment Regulations (No. 2) 2009 - Disallowance*, 7, *Gaming and Wagering Commission Amendment Regulations 2009 - Disallowance*, 8, *Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2009 - Disallowance*, 9, *Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Amendment Regulations 2009 - Disallowance*, 10, *Racing and Wagering Western Australia Amendment Regulations 2009 - Disallowance*, 11, *Racing Penalties (Appeals) Amendment Regulations 2009 - Disallowance*, 12, *Waste Avoidance and Resource Recovery Levy Amendment Regulations 2009 - Disallowance*, and 13, *Agriculture and Related Resources Protection (European House Borer) Amendment Regulations 2010 - Disallowance*, be taken after Order of the Day No. 23, *Rail Safety Bill 2009*. (Leader of the House).

9. Taxi Amendment Regulations (No. 2) 2009 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice -

That Order of the Day No. 1, *Taxi Amendment Regulations (No. 2) 2009 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

10. Cross-border Justice Regulations 2009 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice -

That Order of the Day No. 3, *Cross-border Justice Regulations 2009 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

11. Treasurer's Advance Authorisation Bill 2010

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

The President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Clause 3.

Debate resumed.

12. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection representing the Minister for Forestry tabled documents in relation to Schedule B(1) - Schedule of base plantation stumpages, in response to a question without notice asked by Hon Alison Xamon. (Tabled paper 1926).

The Minister for Mines and Petroleum tabled documents in relation to the Minister's records of meetings with lobbyists from 13 August 2009 to 28 February 2010, in response to question on notice No. 1544 asked by Hon Ljiljanna Ravlich. (Tabled paper 1927).

The Minister for Transport representing the Deputy Premier tabled documents in relation to details for each department and agency relating to the Deputy Premier's staff as at 1 March 2010, in response to question on notice No. 1651 asked by Hon Ljiljanna Ravlich. (Tabled paper 1928).

The Minister for Transport tabled documents in relation to Main Roads Western Australia Asset Investment Program - 2009-10 Budget and Forward Estimates Projects with Commonwealth Contribution, in response to question on notice No. 1928 asked by Hon Ken Travers. (Tabled paper 1929).

The Minister for Transport tabled documents in relation to court documents with details of conditions applied to extraordinary licences, in response to question on notice No. 1939 asked by Hon Alison Xamon. (Tabled paper 1930).

The Minister for Energy tabled documents in relation to the Minister's records of meetings with lobbyists from 21 August 2009 to 8 February 2010, in response to question on notice No. 1549 asked by Hon Ljiljanna Ravlich. (Tabled paper 1931).

The Minister for Energy tabled documents in relation to details of all staff employed in the Minister's office as at 1 March 2010, in response to question on notice No. 1998 asked by Hon Kate Doust. (Tabled paper 1932).

The Minister for Energy tabled documents in relation to details of programs administered by the former Sustainable Energy Development Office from 2007 to 1 March 2010, in response to question on notice No. 1999 asked by Hon Kate Doust. (Tabled paper 1933).

The Minister for Training and Workforce Development tabled documents in relation to 2009 Recognition of Prior Learning (RPL) Enrolments commenced after 1 July 2009, in response to question on notice No. 1722 asked by Hon Ljiljanna Ravlich. (Tabled paper 1934).

The Minister for Child Protection representing the Minister for Forestry tabled documents in relation to the Forest Products Commission - Current Schedule of Base Plantations Stumpages, in response to question on notice No. 2157 asked by Hon Alison Xamon. (Tabled paper 1935).

The Minister for Environment representing the Minister for Tourism tabled Legislative Council Standing Orders 139 and 140 in relation to rules governing questions, in response to question on notice No. 1687 asked by Hon Ljiljanna Ravlich. (Tabled paper 1937).

The Minister for Environment representing the Minister for Tourism tabled Legislative Council Standing Orders 139 and 140 in relation to rules governing questions, in response to question on notice No. 1690 asked by Hon Ljiljanna Ravlich. (Tabled paper 1938).

The Minister for Environment representing the Minister for Tourism tabled Legislative Council Standing Orders 139 and 140 in relation to rules governing questions, in response to question on notice No. 1695 asked by Hon Ljiljanna Ravlich. (Tabled paper 1939).

13. Treasurer's Advance Authorisation Bill 2010

The President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Clause 3.

Debate resumed.

Clause agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

14. Members' Statements

Statements were taken.

15. Adjournment

The House adjourned at 10.21pm until Wednesday, 21 April 2010 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Wendy Duncan.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council