

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 82

WEDNESDAY, 21 APRIL 2010

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. Statement by President - Legislative Council Chamber - Media File Footage

The President made the following Statement -

I have been requested by the media for permission to take some file footage of the new chamber during question time tomorrow. I will permit that unless anyone in the interim comes to me with some other alternative point of view.

3. Ministerial Statement - Reece Waldock - Appointment as Director General - Transport

The Minister for Transport made a Ministerial Statement with respect to the appointment of the Director General - Transport, and the coordination of the State's transport operations.

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

4. Paper

The following Paper was laid on the Table by -

Parliamentary Secretary representing the Attorney General

Annual Reports -

State Coroner, Office of the (2007-2008) (Date received 20/04/2010)..... 1940

5. Occupational Safety And Health Amendment Bill 2010

Hon Alison Xamon: To move on the next day of sitting -

That a Bill for "An Act to -

- amend the *Occupational Safety and Health Act 1984* to impose additional compliance and notification obligations and provide for increased penalties for breaches of duties imposed by the Act;
- prescribe new offences under *The Criminal Code* relating to breaches of duty of care owed to workers,

and for related purposes." be introduced and read a first time.

6. Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations (No .2) 2009 - Disallowance

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

That the *Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations (No .2) 2009* published in the *Gazette* on 24 November 2009 and tabled in the Legislative Council on 25 November 2009 under the *Retail Trading Hours Act 1987*, be and are hereby disallowed.

7. Standing Committee on Environment and Public Affairs - Nineteenth Report - Prayer for Relief

The Leader of the House moved, without notice -

That the recommendations contained in the Nineteenth Report of the Standing Committee on Environment and Public Affairs be adopted and agreed to.

On the motion of Hon Ed Dermer the debate was adjourned to the next sitting.

8. Freedom of Information Process

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

That this House condemns the Premier for failing to honour his election commitment to review the manner in which Departments are administering the Freedom of Information (FOI) process, to ensure that the Government is accountable and open in accordance with the spirit of the FOI Act and calls on the Premier to explain why he has allowed a culture of arrogance, secrecy and of deliberately keeping information from the public to develop among his Cabinet Ministers when dealing with FOI requests.

Hon Adele Farina moved -

Lines 1 to 3 - To delete "to review the manner in which Departments are administering the Freedom of Information (FOI) process,".

Debate ensued.

Amendment - put and passed.

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

The House divided.

Ayes (12)

Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Linda Savage
Hon Sally Talbot
Hon Ken Travers
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (17)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Wendy Duncan
Hon Phil Edman
Hon Donna Faragher
Hon Philip Gardiner
Hon Alyssa Hayden

Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Question thus negatived.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Transport tabled, and by leave incorporated into Hansard, documents in relation to average weekday and weekend day patronage figures for the Mandurah rail line, in response to a question without notice asked by Hon Ed Dermer. (Tabled paper 1941).

The Minister for Energy tabled documents in relation to round 5 of the underground power program - number of projects submitted, in response to a question without notice asked by Hon Kate Doust. (Tabled paper 1942).

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. 1447 asked by Hon Robin Chapple will be provided by 6 May 2010.

The Leader of the House representing the Premier and the Minister for State Development in accordance with Standing Order No 138(d), advised that an answer to questions on notice Nos 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1459, 1466, 1473, 1474, 1475, 1476, 1477, 1480, 1481, 1482, 1483, 1485, 1486, 1487, 1488, 1490, 1497, 1511, 1512, 1557, 1558, 1649 and 1650 asked by Hon Ljiljanna Ravlich will be provided by 6 May 2010.

The Leader of the House, by leave, incorporated into Hansard a list of questions on notice asked by Hon Ljiljanna Ravlich that remain unanswered, pursuant to Standing Order 138(d).

The Minister for Fisheries tabled documents in relation to details of reviews, committees, inquiries and taskforces that have been established since 13 August 2009, in response to question on notice No. 1774 asked by Hon Ljiljanna Ravlich. (Tabled paper 1943).

The Minister for Transport representing the Deputy Premier tabled documents in relation to details of 'appropriate authority investigations' into alleged misconduct that were conducted by agencies under the control of the Deputy Premier for the financial years 2008-2009, in response to question on notice No. 1834 asked by Hon Ljiljanna Ravlich. (Tabled paper 1944).

The Minister for Transport tabled documents in relation to a memorandum of understanding between the Public Transport Authority and Western Australia Police in relation to the protocols for the policing and security services provided by the Police Rail Unit and the Public Transport Authority, in response to question on notice No. 2180 asked by Hon Giz Watson. (Tabled paper 1945).

The Minister for Energy representing the Minister for Local Government tabled documents in relation to details of 'appropriate authority investigations' into alleged misconduct that were conducted by agencies under the control of the Minister for Local Government for the financial years 2008-2009, in response to question on notice No. 1859 asked by Hon Ljiljanna Ravlich. (Tabled paper 1946).

The Minister for Child Protection representing the Minister for Planning tabled documents in relation to details relating to the Minister for Planning; Culture and the Arts contact with lobbyists from 17 September 2009 to 28 February 2010, in response to question on notice No. 1578 asked by Hon Ljiljanna Ravlich. (Tabled paper 1936).

The Minister for Environment tabled documents in relation to the Forest Products Commission itinerary for the Native Forest Field Tour between 27 and 29 January 2010, in response to question on notice No. 1967 asked by Hon Adele Farina. (Tabled paper 1947).

The Minister for Environment tabled documents in relation to the Environmental Regulation Stakeholder Reference Group - Terms of Reference (revised 26 February 2009), in response to question on notice No. 1980 asked by Hon Lynn MacLaren. (Tabled paper 1948).

The Parliamentary Secretary representing the Treasurer tabled documents in relation to the Treasurer and his staff's record of contact with lobbyists from 13 August 2009, in response to question on notice No. 1568 asked by Hon Ljiljanna Ravlich. (Tabled paper 1949).

The Parliamentary Secretary representing the Minister for Commerce tabled documents in relation to the Minister for Commerce and his staff's record of contact with lobbyists from 13 August 2009, in response to question on notice No. 1569 asked by Hon Ljiljanna Ravlich. (Tabled paper 1950).

The Parliamentary Secretary representing the Minister for Housing and Works tabled documents in relation to the Minister for Housing and Works and his staff's record of contact with lobbyists from 13 August 2009, in response to question on notice No. 1571 asked by Hon Ljiljanna Ravlich. (Tabled paper 1951).

10. Consideration of Committee Reports and Ministerial Statements

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements.

In Committee

(Hon Max Trenorden in the Chair)

Standing Committee on Environment and Public Affairs - Sixteenth Report - Municipal Waste Management in Western Australia

Debate resumed on the motion of Hon Kate Doust, That the Report be noted.

Question - put and passed.

Australian Training Awards - Ministerial Statement

The Order of the Day having been called.

Consideration of the Ministerial Statement - lapsed.

Standing Committee on Estimates and Financial Operations - Twenty-First Report - Report on the Inquiry into Public Sector Expenditure

Hon Ken Travers moved, That the Report be noted.

On the motion of Hon Kate Doust the debate was adjourned to the next sitting.

Esperance - Lead Contamination Clean-Up - Ministerial Statement and Tabled Paper

Hon Robin Chapple moved, That the Ministerial Statement and Tabled Paper be noted.

Debate ensued.

Question - put and passed.

Standing Committee on Legislation - Fourteenth Report - Inquiry into the Jurisdiction and Operation of the State Administrative Tribunal

Hon Ken Baston moved, That the Report be noted.

Debate ensued.

On the motion of Hon Kate Doust the debate was adjourned to the next sitting.

Metropolitan Regional Scheme Amendments Nos 1127/41, 1128/41, 1129/41 and 1130/41 - Baldvis Urban Area - Ministerial Statement

The Order of the Day having been called.

Consideration of the Ministerial Statement - lapsed.

Joint Standing Committee on Delegated Legislation - Thirty-Third Report - State Administrative Tribunal Rules Amendment (No. 2) 2008

Hon Robin Chapple moved, That the Report be noted.

Question - put and passed.

Department of Planning and Infrastructure - Licensing Information provided to Wilson Parking and Westralia Airports Corporation - Ministerial Statement and Tabled Paper

The Order of the Day having been called.

Consideration of the Ministerial Statement and Tabled Paper - lapsed.

Joint Standing Committee on the Corruption and Crime Commission - Fourth Report - Corruption and Crime Commission's Response to the Select Committee into the Police Raid on *The Sunday Times* Report No. 1

Hon Nick Goiran moved, That the Report be noted.

Question - put and passed.

Vocational Education and Training - Ministerial Statement

Hon Ljiljanna Ravlich moved, That the Ministerial Statement be noted.

Debate ensued.

Question - put and passed.

The Deputy President resumed the Chair.

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

- (1) Standing Committee on Environment and Public Affairs - Sixteenth Report - Municipal Waste Management in Western Australia and had noted same.
- (2) Standing Committee on Estimates and Financial Operations - Twenty-First Report - Report on the Inquiry into Public Sector Expenditure, made progress, and asked leave to sit again.
- (3) Esperance - Lead Contamination Clean-Up - Ministerial Statement and Tabled Paper and had noted same.
- (4) Standing Committee on Legislation - Fourteenth Report - Inquiry into the Jurisdiction and Operation of the State Administrative Tribunal, made progress, and asked leave to sit again
- (5) Joint Standing Committee on Delegated Legislation - Thirty-Third Report - State Administrative Tribunal Rules Amendment (No. 2) 2008 and had noted same.
- (6) Joint Standing Committee on the Corruption and Crime Commission - Fourth Report - Corruption and Crime Commission's Response to the Select Committee into the Police Raid on *The Sunday Times* Report No. 1 and had noted same.
- (7) Vocational Education and Training - Ministerial Statement and had noted same.

Report adopted.

11. Order of Business

Ordered - That Orders of the Day Nos 1, *Genetically Modified Crops Free Areas Exemption Order - Disallowance*, 2, *Betting Control Amendment Regulations (No. 4) 2009 - Disallowance*, 3, *Casino Control Amendment Regulations 2009 - Disallowance*, 4, *Casino Control (Burswood Island) (Licensing of Employees) Amendment Regulations (No. 2) 2009 - Disallowance*, 5, *Gaming and Wagering Commission Amendment Regulations 2009 - Disallowance*, 6, *Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2009 - Disallowance*, 7, *Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Amendment Regulations 2009 - Disallowance*, 8, *Racing and Wagering Western Australia Amendment Regulations 2009 - Disallowance*, 9, *Racing Penalties (Appeals) Amendment Regulations 2009 - Disallowance*, 10, *Waste Avoidance and Resource Recovery Levy Amendment Regulations 2009 - Disallowance*, and 11, *Agriculture and Related Resources Protection (European House Borer) Amendment Regulations 2010 - Disallowance*, be taken after Order of the Day No. 21, *Rail Safety Bill 2009*. (Leader of the House).

12. Treasurer's Advance Authorisation Bill 2010

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

The Parliamentary Secretary representing the Treasurer, by leave, tabled documents relating to the *Treasurer's Advance Authorisation Bill 2010*. (Tabled paper 1952).

The Parliamentary Secretary representing the Treasurer 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 and passed.

Bill read a third time and passed.

13. Working with Children (Criminal Record Checking) Amendment Bill 2009

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

The Deputy President left the Chair.

In Committee

(Hon Michael Mischin in the Chair)

Clause 4.

Debate resumed.

Clause agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clauses 6 to 28 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Child Protection 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.

14. Cognate Debate - Appropriation (Consolidated Account) Recurrent 2007-08 and 2008-09 (Supplementary) Bill 2009 and Appropriation (Consolidated Account) Capital 2007-08 and 2008-09 (Supplementary) Bill 2009

The Parliamentary Secretary representing the Treasurer sought leave of the House to debate Order of the Day No. 15, *Appropriation (Consolidated Account) Recurrent 2007-08 and 2008-09 (Supplementary) Bill 2009* and Order of the Day No. 16, *Appropriation (Consolidated Account) Capital 2007-08 and 2008-09 (Supplementary) Bill 2009* cognately [SO 228].

Leave granted.

15. Appropriation (Consolidated Account) Recurrent 2007-08 and 2008-09 (Supplementary) Bill 2009 and Appropriation (Consolidated Account) Capital 2007-08 and 2008-09 (Supplementary) Bill 2009

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills.

Debate ensued.

Question - put and passed.

Bills read a second time.

The Deputy President left the Chair.

In Committee

(Hon Michael Mischin in the Chair)

Appropriation (Consolidated Account) Recurrent 2007-08 and 2008-09 (Supplementary) Bill 2009

Clause 1.

The Parliamentary Secretary representing the Treasurer tabled a document relating to details of recurrent expenditure excesses and new items for the 2007-08 financial year in relation to the *Appropriation (Consolidated Account) Recurrent 2007-08 and 2008-09 (Supplementary) Bill 2009*. (Tabled paper 1953).

Debate ensued.

Clause agreed to.

Clause 2 agreed to.

Clause 3.

Debate ensued.

On the motion of the Parliamentary Secretary representing the Treasurer, further consideration of Clause 3 was postponed until consideration of *Appropriation (Consolidated Account) Capital 2007-08 and 2008-09 (Supplementary) Bill 2009* has been completed.

Appropriation (Consolidated Account) Capital 2007-08 and 2008-09 (Supplementary) Bill 2009

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3.

Debate ensued.

Clause agreed to.

Schedule 1.

Debate ensued.

Schedule agreed to.

Schedule 2 agreed to.

Title agreed to.

Appropriation (Consolidated Account) Recurrent 2007-08 and 2008-09 (Supplementary) Bill 2009

Postponed clause 3.

Debate resumed.

The Parliamentary Secretary representing the Treasurer moved, That progress be reported and leave asked to sit again.

Question - put and passed.

The President resumed the Chair.

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

Ordered - That the Committee have leave to sit again.

16. Members' Statements

Statements were taken.

17. Pay-roll Tax Assessment Amendment Bill 2010

The President reported the receipt of Message No. 89 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Treasurer moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Treasurer moved, That the Bill be now read a second time.

The Parliamentary Secretary representing the Treasurer, by leave, tabled the Explanatory Memorandum. (Tabled paper 1954).

Debate stands adjourned and the Bill referred to the Standing Committee on Uniform Legislation and Statutes Review.

18. Pay-roll Tax Rebate Bill 2010

The President reported the receipt of Message No. 90 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Treasurer moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Treasurer moved, That the Bill be now read a second time.

The Parliamentary Secretary representing the Treasurer, by leave, tabled the Explanatory Memorandum. (Tabled paper 1955).

Debate stands adjourned.

19. Adjournment

The House adjourned at 10.10pm until Thursday, 22 April 2010 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Matt Benson-Lidholm and Hon Jon Ford.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council