

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 123

WEDNESDAY, 21 MARCH 2007

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### 1. Meeting of Council

The Council assembled at 4.00pm pursuant to order.

The President, Hon Nick Griffiths, took the Chair and read prayers.

### 2. President's Ruling - Matter of Privilege

The President ruled as follows -

On 20 March 2007 the Hon Giz Watson moved for the appointment of a select committee of privilege to inquire into a possible breach of privilege. Under Standing Order 155 it is for the President to rule whether the matter is one affecting the privileges of the House under the *Parliamentary Privileges Act 1891*.

I have considered the matters raised and how the Standing Order should be applied. First I interpret Standing Order 155(4) to mean I must rule if the matter is one that *affects* the privileges of the House, that is - whether the matters raised by the member establish that there may have been a breach of privilege. It is not my role as the presiding officer to determine if there has been a breach. The determination of whether or not there has been a breach is a matter for the select committee, if one is appointed.

Section 1 of the *Parliamentary Privileges Act 1891* provides:

*The Legislative Council and Legislative Assembly of Western Australia, and their members and committees, have and may exercise —*

- (a) *the privileges, immunities and powers set out in this Act; and*
- (b) *to the extent that they are not inconsistent with this Act, the privileges, immunities and powers by custom, statute or otherwise of the Commons House of Parliament of the United Kingdom and its members and committees as at 1 January 1989.*

Erskine May comments on the disclosure of a committee's proceedings or evidence as follows:

*By the ancient custom of Parliament "no act done at any committee should be divulged before the same be reported to the House" ....*

*The publication or disclosure of proceedings of committees conducted with closed doors or of draft reports of the committees before they have been reported to the House will, however, constitute a breach of privilege or a contempt.*

Standing Order 328 aligns with this privilege. It states proceedings of a committee are not noticed by the Council until reported.

The matters presented by the Hon Giz Watson are matters affecting the privileges of the House.

I therefore rule there is a matter of privilege and the order of the day is to be called forthwith.

### 3. Select Committee of Privilege

The Order of the Day having been called, debate resumed on the motion of Hon Giz Watson as follows -

That -

- (1) A Select Committee of Privilege be appointed to inquire into and report on -
  - (a) whether there has been any disclosure of deliberations of the Standing Committee on Estimates and Financial Operations relating to a proposed inquiry into the State's Iron Ore industry;
  - (b) if so, whether such disclosure constitutes a breach of the privileges, or is a contempt, of this House; and
  - (c) if the Committee so finds, what penalty, if any, the House might impose for the breach or contempt.
- (2) The Committee have access to documents in the possession or under the control of the Standing Committee on Estimates and Financial Operations relevant to the inquiry.
- (3) The Committee, and the proceedings of the Committee, are subject to Chapter XXII of Standing Orders and it is to be regarded for all purposes as a committee appointed under that Chapter.
- (4) The Committee have power to meet at any time when the Legislative Council is not sitting or a sitting is suspended.
- (5) The Committee may present interim reports without a requirement for leave and is to present its final report to the House not later than Wednesday, 30 May 2007.

The Leader of the House moved to amend the motion as follows -

That paragraph 3 be deleted and to insert instead -

“

The Committee have power to send for persons, papers and records and to travel from place to place.

”.

Debate ensued.

Amendment - put and passed.

Motion, as amended, agreed to.

### 4. Petitions

Hon Helen Morton presented a petition from 4 320 residents of Western Australia requesting the Legislative Council oppose the closure of Royal Perth Hospital. (Tabled paper 2394).

Hon Simon O'Brien presented a petition from 285 residents of Western Australia requesting the Legislative Council support the call for a referendum of daylight savings before October of 2007. (Tabled paper 2395).

### 5. Papers

The following Papers were laid on the Table by -

#### President

#### *Reports -*

Work of the Legislative Council Chamber 2006 (14 March 2006 to December 2006) ..... 2391

## **Leader of the House**

### *Rules -*

Electricity Industry Act 2004 (Wholesale Electricity Market Rules - Amending Rules G.G. 28/11/2006)..... 2392

Electricity Industry Act 2004 (Wholesale Electricity Market Rules - Amending Rules G.G. 01/12/2006; G.G. 12/12/2006; and G.G. 15/12/2006..... 2393

## **6. Governance and Administration**

Hon Norman Moore: To move on the next day of sitting -

That this House expresses its grave concern at the significant deterioration in the governance and administration of the State of Western Australia resulting from a Government preoccupied with continued internal division and conflict, manipulated by outside influences and increasingly demonstrating serious signs of dysfunctionality, and calls on the Government to urgently address the issues raised by the Corruption and Crime Commission and refocus its attention on restoring public confidence in the capacity of the Government to govern for all West Australians without fear or favour.

## **7. Commission on Government - Call for Establishment**

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

That in the light of evidence presented to the Corruption and Crime Commission concerning lobbying and alleged public sector misconduct, this House calls upon the Government to establish a second Commission on Government to -

- (1) Audit the implementation of the first Commission on Government's recommendations and consider whether further implementation is required;
- (2) Consider whether alternative or additional reforms to those proposed by the first Commission on Government are required to prevent corrupt, illegal or improper conduct by public officials (including State Members of Parliament, Local Government Councillors and employees of State and Local Governments);
- (3) Carry out its inquiries in an open and participatory manner; and
- (4) Report to both Houses of Parliament within one year from establishment of the Commission.

## **8. Kojarena Satellite Ground Station - Expanded function**

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

That this House -

- (1) Notes that the Federal Government has announced an expanded function of the joint US spy satellite ground station at Kojarena near Geraldton.
- (2) Notes that this expanded function will coordinate US military operations in the Middle East and Asia, making this the most significant military encroachment into Australia since signing of the Pine Gap Treaty of 1966.
- (3) Condemns the Federal Government for committing to this expanded function without consulting with the people of Western Australia, the City of Geraldton and the Premier.

## **9. Procedure and Privileges Committee - Referral of Tabled Paper**

The Leader of the House moved, without notice -

That Tabled Paper No 2380 tabled in this House on 20 March 2007 being correspondence between the President and the Corruption and Crime Commission be referred to the *Procedure and Privileges Committee* for consideration and report on or before Wednesday, 4 April 2007.

Debate ensued.

Question - put and passed.

### **10. Home Ownership Affordability**

Motion No. 46 having been called.

Debate resumed on the motion of Hon Ray Halligan as follows -

That this House condemns the Government for the undue anxiety created for the many first home buyers through its inability in a timely manner to -

- (1) Help reduce the cost pressures on residential land.
- (2) Help reduce the supply and cost pressures associated with skilled labour.
- (3) Meet its election commitments to -
  - (a) address housing affordability;
  - (b) increase social housing stock; and
  - (c) encourage and enable home ownership.

### **11. Questions Without Notice**

Questions without notice were taken.

The Leader of the House representing the Minister for Small Business tabled, and by leave incorporated into Hansard, an answer in relation to projects funded by the Small Business Initiatives Fund, in response to a question without notice asked by Hon Nigel Hallett. (Tabled paper 2396).

The Minister for Child Protection tabled a Department of Community Development manual in relation to Placement Services Procedure, in response to a question without notice asked by Hon Robyn McSweeney. (Tabled paper 2397).

The Minister for Local Government representing the Minister for Housing and Works tabled an answer in table format in relation to details of Homeswest housing from 2000-01 to 2005-06, in response to question on notice No. 4313 asked by Hon Anthony Fels. (Tabled paper 2399).

The Minister for Fisheries tabled an answer in relation to the timetable for implementation of Wet-line Review Outcomes, in response to a question without notice asked by Hon Bruce Donaldson. (Tabled paper 2400).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled an answer in relation to establishing a North-West Corridor Co-ordinating Committee, in response to question on notice No. 4381 asked by Hon Giz Watson. (Tabled paper 2401).

The Minister for Child Protection tabled, and by leave incorporated into Hansard, a brochure in relation to Patient Assisted Travel Scheme, in response to a question without notice asked by Hon Giz Watson. (Tabled paper 2398).

### **12. Home Ownership Affordability**

Debate resumed on the motion of Hon Ray Halligan (cf item 10 above).

*Interruption of Debate* [SO 195].

### **13. Joint Standing Committee on Audit - Establishment**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 215

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution -

“That for the purposes of the *Auditor General Act 2006* –

- (a) a Joint Standing Committee on Audit be established comprised of the members of the Legislative Assembly Public Accounts Committee

and the Legislative Council Estimates and Financial Operations Committee, as appointed by the Houses from time to time;

- (b) the Chairman of the Public Accounts Committee will be the Chairman of the Joint Standing Committee; and
- (c) the Standing Orders of the Assembly relating to standing and select committees will otherwise be followed as far as they can be applied.”

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

Mrs D.J. Guise

Deputy Speaker

Legislative Assembly Chamber

Perth, 21 March 2007

Ordered - That consideration of Message No. 215 be made an Order of the Day for the next sitting.

#### **14. Select Committee of Privilege on a matter arising out of the Standing Committee on Estimates and Financial Operations - Appointment of Members**

The Leader of the House moved, without notice -

- (1) That this House appoints Hons Murray Criddle, Adele Farina and Barry House as Members of the Select Committee of Privilege on a Matter arising out of the Estimates and Financial Operations Committee; and
- (2) that Hon Murray Criddle be Chair of the committee.

Question - put and passed.

#### **15. Criminal Law and Evidence Amendment Bill 2006**

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

Debate resumed.

Hon Giz Watson moved -

That the *Criminal Law and Evidence Amendment Bill 2006* be discharged and referred to the Standing Committee on Legislation to report back no later than 28 June 2007 and that the Committee be able to inquire into the policy of the Bill.

Question - put and passed.

#### **16. Police Amendment Bill 2006**

The Deputy President reported the receipt of Message No. 213 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Local Government moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Local Government moved, That the Bill be now read a second time.

Debate stands adjourned.

#### **17. Equal Opportunity Amendment Bill 2006**

The Deputy President reported the receipt of Message No. 214 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Child Protection moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Child Protection moved, That the Bill be now read a second time.

Debate stands adjourned.

# **18. Local Government (Official Conduct) Amendment Bill 2005**

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 Acting President left the Chair.

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## **In Committee**

(Hon Louise Pratt in the Chair)

Clause 1 agreed to.

Clauses 2 to 10 agreed to.

Clause 11.

Debate ensued.

Clause agreed to.

Clause 12 agreed to.

Clause 13.

Debate ensued.

Clause agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Local Government 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.

# **19. Adjournment**

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

Question - put and passed.

The House adjourned at 9.48pm until Thursday, 22 March 2007 at 11.00am.

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

Attendance: Present all Members except Hon Graham Giffard.

Member granted leave: Hon Margaret Rowe.

**MIA BETJEMAN**

Clerk of the Legislative Council

**HON NICK GRIFFITHS**

President of the Legislative Council