

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 101

TUESDAY, 10 AUGUST 2010

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### 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. Message from His Excellency the Governor - Assent to Bills

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bills -

<b>7 July 2010 - Message No. 105</b>	<b>Act No.</b>
Road Traffic Amendment Bill 2010	20 of 2010
Child Pornography and Exploitation Material and Classification Legislation Amendment Bill 2009	21 of 2010
Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009	22 of 2010
Appropriation (Consolidated Account) Recurrent 2010-11 Bill 2010	23 of 2010
Appropriation (Consolidated Account) Capital 2010-11 Bill 2010	24 of 2010
Railway (Tilley to Karara) Bill 2010	25 of 2010
Railway (Butler to Brighton) Bill 2009	26 of 2010
Land Tax Assessment Amendment Bill 2010	27 of 2010

### 3. Papers

The following Papers were laid on the Table by -

#### **President**

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### **4. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2010**

The Minister for Training and Workforce Development: To move on the next day of sitting -

That a Bill for “An Act to amend the *Building and Construction Industry Training Fund and Levy Collection Act 1990*.” be introduced and read a first time.

### **5. Shire of Capel - Keeping and Welfare of Cats Amendment Local Law 2009 - Disallowance**

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Capel - Keeping and Welfare of Cats Amendment Local Law 2009* published in the *Gazette* on 4 May 2010 and tabled in the Legislative Council on 18 May 2010 under the *Local Government Act 1995*, be and is hereby disallowed.

**6. Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2010 - Disallowance**

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2010* published in the *Gazette* on 7 May 2010 and tabled in the Legislative Council on 18 May 2010 under the *Road Traffic Act 1974*, be and are hereby disallowed.

**7. Petroleum and Geothermal Energy Resources (Occupational Safety and Health) Regulations 2010 - Disallowance**

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Petroleum and Geothermal Energy Resources (Occupational Safety and Health) Regulations 2010* published in the *Gazette* on 14 May 2010 and tabled in the Legislative Council on 18 May 2010 under the *Petroleum and Geothermal Energy Resources Act 1967*, be and are hereby disallowed.

**8. Petroleum Pipelines (Occupational Safety and Health) Regulations 2010 - Disallowance**

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Petroleum Pipelines (Occupational Safety and Health) Regulations 2010* published in the *Gazette* on 14 May 2010 and tabled in the Legislative Council on 18 May 2010 under the *Petroleum Pipelines Act 1969*, be and are hereby disallowed.

**9. Order of Business**

Ordered - That Orders of the Day Nos 1, *State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2009 - Disallowance*, 2, *State Trading Concerns (Authorisation) Amendment Regulations 2009 - Disallowance*, 3, *Mining Amendment Regulations 2009 - Disallowance*, 7, *Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations (No. 2) 2009 - Disallowance*, 8, *Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations 2010 - Disallowance*, and 9, *Shire of Dardanup Standing Orders Local Law 2009 - Disallowance*, be taken after Order of the Day No. 18, *Health and Disability Services Legislation Amendment Bill 2009*. (Leader of the House).

**10. Shire of Busselton - Local Government Property Local Law 2010 - Disallowance - Discharge from Notice Paper**

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 4, *Shire of Busselton - Local Government Property Local Law 2010 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

**11. Shire of Augusta - Margaret River - Cemeteries Local Law 2010 - Disallowance - Discharge from Notice Paper**

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 5, *Shire of Augusta - Margaret River - Cemeteries Local Law 2010 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

**12. Shire of Augusta - Margaret River - Activities in Thoroughfares and Public Places and Trading Local Law 2010 - Disallowance - Discharge from Notice Paper**

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 6, *Shire of Augusta - Margaret River - Activities in Thoroughfares and Public Places and Trading Local Law 2010 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

**13. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2010-2011**

The Order of the Day having been read for the adjourned debate on the motion of the Parliamentary Secretary representing the Treasurer as follows -

That pursuant to Standing Order No. 49(1)(c), the Legislative Council take note of Tabled Paper No. 2044A-H (2010-2011 Budget Statements), laid upon the Table of the House on 20 May 2010.

Debate resumed.

Question - put and passed.

**14. Approvals and Related Reforms (No. 1) (Environment) Bill 2009**

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

Debate resumed.

**15. Questions Without Notice**

Questions without notice were taken.

The Minister for Energy tabled, and by leave incorporated into Hansard, a document in relation to Western Power's Transmission Capital Budget for 2009-10 and 2010-11, and the proposed Capital Budget for 2011-12, in response to a question without notice asked by Hon Kate Doust. (Tabled paper 2321).

The Minister for Transport tabled a copy of the Syme Marmion & Co. Report on the Nicholson Road Railway Station (July 2009), in response to question on notice No. 2495 asked by Hon Ken Travers. (Tabled paper 2322).

The Leader of the House representing the Premier tabled documents in relation to the criteria and guidelines for the payment of attraction and retention benefits to public sector employees, in response to question on notice No. 2469 asked by Hon Alison Xamon. (Tabled paper 2323).

The Minister for Training and Workforce Development tabled documents in relation to course enrolments and student curriculum hours at various TAFE Colleges in 2008 and 2009, in response to question on notice No. 2481 asked by Hon Ljiljanna Ravlich. (Tabled paper 2324).

The Minister for Child Protection tabled documents in relation to the Department of Child Protection full time employee allocations and vacancies as at 28 February 2010, in response to question on notice No. 2607 asked by Hon Sue Ellery. (Tabled paper 2325).

The Minister for Child Protection tabled documents in relation to the Department of Child Protection full time employee allocations and vacancies as at 31 May 2010, in response to question on notice No. 2638 asked by Hon Sue Ellery. (Tabled paper 2326).

The Minister for Child Protection representing the Minister for Planning tabled documents in relation to the percentages of original vegetation secured in Bush Forever sites in the metropolitan area of the Swan Coastal Plain, in response to question on notice No. 2502 asked by Hon Alison Xamon. (Tabled paper 2327).

The Minister for Youth tabled a document in relation to details of funding allocated for Cadets WA for the years 2005-06 to 2010-11, in response to question on notice No. 2510 asked by Hon Ken Travers. (Tabled paper 2328).

# 16. Approvals and Related Reforms (No. 1) (Environment) Bill 2009

Debate resumed on the second reading of this Bill (cf item 14 above).

Question - put.

The House divided.

## Ayes (18)

Hon Liz Behjat  
Hon Jim Chown  
Hon Peter Collier  
Hon Mia Davies  
Hon Wendy Duncan  
Hon Phil Edman  
Hon Brian Ellis  
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*)

## Noes (12)

Hon Matt Benson-Lidholm  
Hon Robin Chapple  
Hon Sue Ellery  
Hon Adele Farina  
Hon Lynn MacLaren  
Hon Ljiljanna Ravlich

Hon Linda Savage  
Hon Sally Talbot  
Hon Ken Travers  
Hon Giz Watson  
Hon Alison Xamon  
Hon Ed Dermer (*Teller*)

Question thus passed.

Bill read a second time.

Ordered - That consideration of the Bill, in Committee, be made an Order of the Day for a later stage of this day's sitting.

# 17. Order of Business

Ordered - That Orders of the Day Nos 1, *State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2009 - Disallowance*, and 2, *State Trading Concerns (Authorisation) Amendment Regulations 2009 - Disallowance*, be taken forthwith. (Leader of the House).

# 18. State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2009 - Disallowance

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Ken Travers -

That the *State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2009* published in the *Gazette* on 26 February 2010 and tabled in the Legislative Council on 3 March 2010 under the *State Trading Concerns Act 1916*, be and are hereby disallowed.

Debate ensued.

Question - put.

The House divided.



**Ayes (12)**

Hon Matt Benson-Lidholm  
 Hon Helen Bullock  
 Hon Robin Chapple  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Adele Farina

Hon Lynn MacLaren  
 Hon Ljiljanna Ravlich  
 Hon Ken Travers  
 Hon Giz Watson  
 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 Brian Ellis  
 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.

**19. State Trading Concerns (Authorisation) Amendment Regulations 2009 - Disallowance**

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Sally Talbot -

That the *State Trading Concerns (Authorisation) Amendment Regulations 2009* published in the *Gazette* on 26 February 2010 and tabled in the Legislative Council on 3 March 2010 under the *State Trading Concerns Act 1916*, be and are hereby disallowed.

Debate ensued.

Question - put and negatived.

**20. Order of Business**

Ordered - That Order of the Day No. 3, *Mining Amendment Regulations 2009 - Disallowance*, be taken forthwith. (Leader of the House).

**21. Mining Amendment Regulations 2009 - Disallowance**

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Robin Chapple -

That the *Mining Amendment Regulations 2009* published in the *Gazette* on 15 January 2010 and tabled in the Legislative Council on 3 March 2010 under the *Mining Act 1978*, be and are hereby disallowed.

Debate ensued.

Question - put.

The House divided.

**Ayes (4)**

Hon Lynn MacLaren  
 Hon Giz Watson

Hon Alison Xamon  
 Hon Robin Chapple (*Teller*)

**Noes (25)**

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 Alyssa Hayden  
 Hon Col Holt  
 Hon Robyn McSweeney  
 Hon Michael Mischin  
 Hon Norman Moore  
 Hon Helen Morton  
 Hon Ljiljanna Ravlich  
 Hon Ken Travers  
 Hon Max Trenorden  
 Hon Ken Baston (*Teller*)

Question thus negated.

**22. Order of Business**

Ordered - That Order of the Day No. 11, *Approvals and Related Reforms (No. 1) (Environment) Bill 2009*, be taken forthwith. (Leader of the House).

**23. Approvals and Related Reforms (No. 1) (Environment) Bill 2009**

The Deputy President left the Chair.

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**In Committee**

(Hon Michael Mischin in the Chair)

Clause 1.

Debate ensued.

Hon Giz Watson moved -

Page 2, line 3 – To delete “*Approvals*” and insert —

*Assessments*

Debate ensued.

*Interruption of Debate pursuant to Temporary Orders.*

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The President resumed the Chair.

The Deputy 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.

**24. Members' Statements**

Statements were taken.

**25. Adjournment**

The House adjourned at 10.11pm until Wednesday, 11 August 2010 at 2.00pm.

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

Attendance: Present all Members except Hon Jon Ford.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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