

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 84

TUESDAY, 4 MAY 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. Petitions

Hon Helen Morton presented a petition from 317 petitioners requesting the Legislative Council support the preservation of leased shack-site communities for alternative recreational holiday destinations for Western Australians. (Tabled paper 1973).

Hon Wendy Duncan presented a petition from 871 petitioners requesting the Legislative Council support the proposal for a private provider to build a desalination plant in Esperance to provide improved water quality to residents and the Esperance Goldfields Region. (Tabled paper 1974).

Hon Giz Watson presented a petition from 410 petitioners requesting the Legislative Council oppose the proposed limestone quarry and batching plant at Lot 1 Nowergup Road, Nowergup. (Tabled paper 1975).

3. Ministerial Statement - Ministers' Representation in the Legislative Council

The Leader of the House made a Ministerial Statement with respect to changes to the Ministry and the new representation of Ministers in the Legislative Council effective from 28 April 2010.

The Leader of the House tabled the new representation for Ministers in the Legislative Council and changes to the Ministry effective from 28 April 2010. (Tabled paper 1976).

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

4. Ministerial Statement - Fertilisers - Phosphorous Limits

The Minister for Environment made a Ministerial Statement with respect to the Government's intention to introduce new regulations to limit the amount of phosphorous contained in domestic fertilizers.

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

5. Ministerial Statement - Gascoyne - Drought Declaration

The Parliamentary Secretary representing the Minister for Water made a Ministerial Statement with respect to an announcement on 6 April 2010 by the Department of Water in relation to a declaration of drought in the Gascoyne.

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

6. Papers

The following Papers were laid on the Table by -

President

Financial Statements -

Members of Parliament (Financial Interest) Act 1992 - Primary Return
(Hon Linda Savage) 1964

Regulations -

Trans-Tasman Mutual Recognition (Modification of Act) Regulations 2010 (No. 1)
(Commonwealth of Australia)..... 1965

Standing Committee on Uniform Legislation and Statutes Review -

Approvals and Related Reforms (No. 1) (Environment) Bill 2009 - Report No. 48
(Deemed tabled 28/04/2010) 1966

Leader of the House

Reports -

Interstate and Overseas Travel undertaken by Members of Parliament Funded by the
Imprest System (For the three months ended 31 December 2009)..... 1967

Minister for Transport

Response to Reports -

Standing Committee on Uniform Legislation and Statutes Review (Report No. 46) -
Rail Safety Bill 2009 (Minister for Transport)..... 1968

Minister for Energy on behalf of the Minister for Child Protection

Ministerial Approvals -

Subiaco Redevelopment Act 1994 - To enter into an agreement of value over
\$1 million - Lot 1 Station Street, Subiaco 1969

Subiaco Redevelopment Act 1994 - To enter into an agreement of value over
\$1 million - Lot 2 Station Street, Subiaco and Lot 3 Wexford Street, Subiaco 1970

Minister for Environment

Leases -

CALM Lease No. 2170/97 - Between CALM and Duncan and Kylie Goldfinch -
Portion of State Forest No. 21 1971

Parliamentary Secretary representing the Attorney General

Financial Statements -

Legal Contribution Trust (For the six months ending 31 December 2009)
(Date received 29/04/2010)..... 1972

7. Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Amendment 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. 7, *Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Amendment Regulations 2009 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

8. 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*, 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*, 11, *Agriculture and Related Resources Protection (European House Borer) Amendment Regulations 2010 - Disallowance*, and 12, *Liquor Control Amendment Regulations (No. 7) 2009 - Disallowance*, be taken after Order of the Day No. 16, *Appropriation (Consolidated Account) Capital 2007-08 and 2008-09 (Supplementary) Bill 2009*. (Leader of the House).

9. Hospitals (Licensing and Conduct of Private Hospitals) Amendment 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. 6, *Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2009 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

10. Approvals and Related Reforms (No. 3) (Crown Land) Bill 2009

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 7.

Debate resumed.

Hon Sally Talbot moved -

Page 4, after line 26 — To insert —

- (4) When the Minister delegates a power or duty under subsection 66(1)(b), that delegation is to be made by instrument published in the *Gazette*.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (13)

Hon Matt Benson-Lidholm
 Hon Helen Bullock
 Hon Robin Chapple
 Hon Sue Ellery
 Hon Adele Farina
 Hon Jon Ford
 Hon Lynn MacLaren

Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ed Dermer (*Teller*)

Noes (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 Nick Goiran
 Hon Nigel Hallett
 Hon Col Holt
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Max Trenorden
 Hon Ken Baston (*Teller*)

Amendment thus negatived.

Question - That the Clause stand as printed - put and passed.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9 agreed to.

Clause 10.

Debate ensued.

Hon Sally Talbot moved -

Page 6, line 18 — To delete “a public service officer” and insert —

the Director General

Debate ensued.

Amendment - put and negatived.

Debate resumed.

Hon Sally Talbot moved -

Page 6, after line 21 — To insert —

- (c) when the Minister delegates a power or duty under section 121A of the *Environmental Protection Act 1986*, that delegation is to be made by instrument published in the *Gazette*.

Amendment - put and negatived.

Question - That the Clause stand as printed - put and passed.

Clauses 11 and 12 agreed to.

Clause 13.

The Parliamentary Secretary representing the Minister for Lands moved -

Page 8, line 10 — To delete “person” and insert —

public service officer of the department that is principally assisting in the administration of the relevant Act, who is

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Energy on behalf of the Minister for Child Protection representing the Minister for Agriculture and Food tabled documents in relation to copies of correspondence between Agrotace and the Premier regarding the cultivation of GM canola in Western Australia, in response to a question without notice asked by Hon Giz Watson. (Tabled paper 1977).

The Minister for Training and Workforce Development tabled documents in relation to a breakdown of apprentice and trainee cancellations for the period 1 February 2009 to 31 January 2010, in response to a question without notice asked by Hon Ljiljana Ravlich. (Tabled paper 1978).

The Leader of the House representing the Minister for State Development tabled documents in relation to tenement enquiry reports in response to question on notice No. 1975 asked by Hon Robin Chapple. (Tabled paper 1979).

The Minister for Energy tabled documents in relation to details of the average electricity bills for various surrounding suburbs of the Perth Metropolitan Region (October 2009 - March 2010), in response to question on notice No. 2127 asked by Hon Kate Doust. (Tabled paper 1980).

The Minister for Energy tabled documents in relation to details of the average electricity bills for Wannerroo, Leeming, Morley and Canningvale (October 2009 - March 2010), in response to question on notice No. 2128 asked by Hon Kate Doust. (Tabled paper 1981).

The Minister for Energy tabled documents in relation to details of the average electricity bills for various suburbs surrounding Karratha (April 2009 - March 2010), in response to question on notice No. 2129 asked by Hon Kate Doust. (Tabled paper 1982).

The Minister for Energy tabled documents in relation to details of the average electricity bills for various suburbs surrounding Albany (April 2009 - March 2010), in response to question on notice No. 2130 asked by Hon Kate Doust. (Tabled paper 1983).

The Minister for Energy tabled documents in relation to details of the average electricity bills for various towns in the South West Region (April 2009 - March 2010), in response to question on notice No. 2131 asked by Hon Kate Doust. (Tabled paper 1984).

The Minister for Energy tabled documents in relation to details of the average electricity bills for various Perth Southern Coastal suburbs (April 2009 - March 2010), in response to question on notice No. 2132 asked by Hon Kate Doust. (Tabled paper 1985).

The Minister for Energy representing the Minister for Education tabled documents in relation to details relating to the Bullsbrook District High School upper school upgrade, in response to question on notice No. 2176 asked by Hon Alison Xamon. (Tabled paper 1986).

The Minister for Environment tabled a document in relation to Kaltails Area Scaled Map, in response to question on notice No. 2006 asked by Hon Robin Chapple. (Tabled paper 1987).

The Parliamentary Secretary representing the Treasurer tabled documents in relation to a spreadsheet regarding tendered properties managed by the Insurance Commission of Western Australia, in response to question on notice No. 1522 asked by Hon Ljiljanna Ravlich. (Tabled paper 1988).

12. Approvals and Related Reforms (No. 3) (Crown Land) Bill 2009

The President left the Chair.

In Committee

(Hon Ken Travers in the Chair)

Clause 14 agreed to.

Clause 15.

Debate ensued.

Hon Sally Talbot moved -

Page 9, line 24 — To insert after “prescribed” —

but only in the case where the permission of the Crown Land interest holder to disclose their name and contact details has been obtained

Debate ensued.

Amendment - put and negatived.

Question - That the Clause stand as printed - put and passed.

Clauses 16 to 18 agreed to.

Clause 19.

Debate ensued.

Hon Sally Talbot moved that consideration of clause 19 be postponed until after consideration of clause 35.

Question - put and negatived.

Clause agreed to.

Clause 20 agreed to.

Clause 21.

Debate ensued.

Clause agreed to.

Clause 22 agreed to.

Clause 23.

The Parliamentary Secretary representing the Minister for Lands moved -

Page 13, line 15 — To delete “lands,” and insert —

land,

Page 13, line 18 — To delete “lands,” and insert —

land,

Amendments - put and passed.

The Parliamentary Secretary representing the Minister for Lands moved -

Page 13, line 26 — To delete “grantee” and insert —

grantor

Amendment - put and passed.

Debate ensued.

Clause, as amended, agreed to.

Clauses 24 to 34 agreed to.

Clause 35.

Debate ensued.

Clause agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported with amendments.

Ordered - That consideration of the Committee’s Report be made an Order of the Day for the next sitting.

13. Aboriginal Housing Legislation Amendment Bill 2009

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

Debate ensued.

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Michael Mischin in the Chair)

Clause 1.

Debate ensued.

The Parliamentary Secretary representing the Minister for Housing and Works 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 the Bill, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

14. Members' Statements

Statements were taken.

Hon Jon Ford, by leave, tabled an email and photograph in relation to asbestos at Citic Pacific Mine at Cape Preston. (Tabled paper 1989).

Hon Ljiljanna Ravlich, by leave, tabled a document entitled *Australian Education Union State of our TAFEs Online Survey Report* in relation to training. (Tabled paper 1990).

15. Revenue Laws Amendment and Repeal Bill 2010

The President reported the receipt of Message No. 93 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 tabled the Revenue Laws Amendment and Repeal Bill 2010 Explanatory Memorandum. (Tabled paper 1991).

Debate stands adjourned.

16. Adjournment

The House adjourned at 10.40pm until Wednesday, 5 May 2010 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Alyssa Hayden and Hon Robyn McSweeney.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council