

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 88

WEDNESDAY, 19 MAY 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. Ministerial Statement - Dolphin Deaths - Chief Scientist's Report

The Minister for Environment made a Ministerial Statement with respect to the Chief Scientist's Report into the death of six dolphins in the Swan River in 2009 and additional funding to improve the health of the Swan River system.

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

3. Fremantle Port - Lead Export

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

- (1) That this House condemns the Minister for Environment and the Minister for Mines for their lack of openness and accountability in relation to their decision to allow lead to be transported through 22 suburbs in the metropolitan area on its way to Fremantle and calls on both Ministers to explain why they have not made all details in relation to lead shipments public.
- (2) That this House also calls on the Minister for Environment to explain why, since environmental approval was given by her for Magellan Metals to transport containerised lead carbonate through suburbs to the Fremantle Port, so little has been revealed to the thousands of families living in and around suburbs along the proposed transport route.

Debate ensued.

Question - put and negatived.

4. Consideration of Committee Reports and Ministerial Statements

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

In Committee

(Hon Matt Benson-Lidholm in the Chair)

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

Debate resumed on the motion of Hon Ken Baston, That the Report be noted.

On the motion of Hon Sue Ellery the debate was adjourned to the next sitting.

Standing Committee on Estimates and Financial Operations - Twenty-Second Report - Budget Estimates 2008-2009

The Order of the Day having been called.

Consideration of the Committee Report - lapsed.

Quarterly Financial Results Report - Ministerial Statement and Tabled Paper

The Order of the Day having been called.

Consideration of the Ministerial Statement and Tabled Paper - lapsed.

Standing Committee on Estimates and Financial Operations - Twenty-Third Report - Annual Hearings in Relation to the Budget Estimates 2009-2010

Hon Giz Watson moved, That the Report be noted.

Debate ensued.

Interruption pursuant to Temporary Orders.

5. Questions Without Notice

Questions without notice were taken.

The Minister for Transport tabled a map in relation to the proposed widening of the Karratha Dampier Road north of Cinders Road, in response to a question without notice asked by Hon Robin Chapple. (Tabled paper 2045).

The Parliamentary Secretary representing the Minister for Water tabled letters and submissions received by the Minister for Water regarding potential risks to the Jandakot groundwater mound resulting from the proposed expansion of the Jandakot Airport, in response to a question without notice asked by Hon Alison Xamon. (Tabled paper 2046).

6. Consideration of Committee Reports and Ministerial Statements

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

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Standing Committee on Estimates and Financial Operations - Twenty-Third Report - Annual Hearings in Relation to the Budget Estimates 2009-2010

Debate resumed on the motion of Hon Giz Watson, That the Report be noted.

Debate ensued.

Question - put and passed.

Metropolitan Region Scheme Amendment No. 1074/33 - Leighton Beach and Environs - Ministerial Statement and Tabled Paper

Hon Lynn MacLaren moved, That the Ministerial Statement and Tabled Paper be noted.

Question - put and passed.

Joint Standing Committee on Delegated Legislation - Thirty-Fourth Report - City of Joondalup Cats Local Law 2008

Hon Giz Watson moved, That the Report be noted.

Interruption pursuant to Temporary Orders.

The Deputy President resumed the Chair.

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

- (1) 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.
- (2) Standing Committee on Estimates and Financial Operations - Twenty-Third Report - Annual Hearings in Relation to the Budget Estimates 2009-2010 and had noted same.
- (3) Metropolitan Region Scheme Amendment No. 1074/33 - Leighton Beach and Environs - Ministerial Statement and Tabled Paper and had noted same.
- (4) Joint Standing Committee on Delegated Legislation - Thirty-Fourth Report - City of Joondalup Cats Local Law 2008, made progress, and asked leave to sit again.

Report adopted.

7. Order of Business

Ordered - That Orders of the Day Nos 1, *Betting Control Amendment Regulations (No. 4) 2009 - Disallowance*, 2, *Casino Control Amendment Regulations 2009 - Disallowance*, 3, *Casino Control (Burswood Island) (Licensing of Employees) Amendment Regulations (No. 2) 2009 - Disallowance*, 4, *Gaming and Wagering Commission Amendment Regulations 2009 - Disallowance*, 5, *Racing and Wagering Western Australia Amendment Regulations 2009 - Disallowance*, 6, *Waste Avoidance and Resource Recovery Levy Amendment Regulations 2009 - Disallowance*, 7, *Agriculture and Related Resources Protection (European House Borer) Amendment Regulations 2010 - Disallowance*, 8, *Liquor Control Amendment Regulations (No. 7) 2009 - Disallowance*, and 9, *Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations (No. 2) 2009 - Disallowance*, be taken after Order of the Day No. 13, *Appropriation (Consolidated Account) Capital 2007-08 and 2008-09 (Supplementary) Bill 2009*. (Leader of the House).

8. Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts

The Order of the Day No. 31 having been read for the consideration of Legislative Assembly Message No. 88 as follows -

That the date for presentation of the report of the Joint Standing Committee on the Review of the Racing and Wagering Western Australia be extended to 15 October 2010.

The Leader of the House moved -

That in response to Legislative Assembly Message No. 88 the Legislative Council agrees to the following resolution -

That the date for presentation of the report of the Joint Standing Committee on the Review of the Racing and Wagering Western Australia be extended to 15 October 2010.

Question - put and passed.

9. Road Traffic Amendment Bill 2010

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Minister for Energy representing the Minister for Police moved, That the report be adopted.

Question - put and passed.

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

10. Revenue Laws Amendment and Repeal Bill 2010 and Revenue Laws Amendment Bill 2010

The Orders of the Day for the further consideration of these Bills, in Committee, having been read.
The Deputy President left the Chair.

In Committee

(Hon Michael Mischin in the Chair)

Revenue Laws Amendment Bill 2010

Clause 5 agreed to.

Clauses 6 and 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clauses 9 to 12 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Revenue Laws Amendment and Repeal Bill 2010 - Bill reported with amendments.

Revenue Laws Amendment Bill 2010 - Bill reported without amendment.

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

11. Rail Safety 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.

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

12. Order of Business

Ordered - That Order of the Day No. 6, *Waste Avoidance and Resource Recovery Levy Amendment Regulations 2009 - Disallowance*, be taken forthwith. (Minister for Transport).

13. Waste Avoidance and Resource Recovery Levy Amendment Regulations 2009 - Disallowance - Disallowance

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

That the *Waste Avoidance and Resource Recovery Levy Amendment Regulations 2009* published in the *Gazette* on 22 December 2009 and tabled in the Legislative Council on 3 March 2010 under the *Waste Avoidance and Resource Recovery Levy Act 2007*, be and are hereby disallowed.

Debate ensued.

Question - put.

The House divided.

Ayes (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*)

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 Nick Goiran

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

Question thus negatived.

14. Approvals and Related Reforms (No. 4) (Planning) Bill 2009

The President reported the receipt of Message No. 95 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

15. Order of Business

Ordered - That Members' Statements be taken forthwith. (Minister for Transport).

16. Members' Statements

Statements were taken.

17. Adjournment

The House adjourned at 10.20pm until Thursday, 20 May 2010 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Nigel Hallett.

MALCOLM PEACOCK
 Clerk of the Legislative Council

HON BARRY HOUSE
 President of the Legislative Council