

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 174

TUESDAY, 20 SEPTEMBER 2011

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 -

12 September 2011 - Message No. 32	Act No.
Restraining Orders Amendment Bill 2011	32 of 2011
Duties Amendment Bill 2011	33 of 2011
Parliamentary Superannuation Amendment Bill 2011	34 of 2011
State Superannuation Amendment Bill 2011	35 of 2011

3. Message from the Deputy of the Governor - Assent to Bills

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

13 September 2011 - Message No. 33	Act No.
Conservation Legislation Amendment Bill 2010	36 of 2011
Curriculum Council Amendment Bill 2011	37 of 2011

4. Petitions

Hon Liz Behjat presented a petition from 415 petitioners requesting the Legislative Council to support the provision of electronic 40km/h school signage in and around school precincts in Balcatta. (Tabled paper 3725).

Hon Linda Savage presented a petition from 108 petitioners requesting the Legislative Council oppose the Shire of Kalamunda's proposal to purchase untitled Reserve 33221, Swan Road, High Wycombe for the purpose of on-selling the reserve for likely urban development. (Tabled paper 3726).

5. Ministerial Statement - Western Australian Association of Mental Health Consumers - Establishment

The Minister for Mental Health made a Ministerial Statement with respect to the launch of the Western Australian Association of Mental Health Consumers.

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

Annual Reports -

Legislative Assembly (2010-2011) (Date received 20/09/2011)..... 3702

Parliamentary Inspector of the Corruption and Crime Commission (2010-2011)
(Date received 12/09/2011) (Deemed tabled 12/09/11)..... 3703

Parliamentary Services Department (2010-2011) (Date received 20/09/2011)..... 3704

Leader of the House

Management Plans -

Fish Resources Management Act 1994 (Abalone Management Plan Amendment 2011
G.G. 16/09/2011)..... 3705

Fish Resources Management Act 1994 (West Coast Rock Lobster Management Plan
Amendment (No. 3) 2011 [1041] G.G. 09/09/2011)..... 3706

Regulations -

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations
(No. 11) 2011 G.G. 09/09/2011) 3707

Reports -

Government Employees Superannuation Board [GESB] - Statement of Corporate
Intent (2011-2012) (Date received 15/09/2011)..... 3708

Minister for Finance

Annual Reports -

Industrial Relations Commission, Chief Commissioner of the (2010-2011)
(Date received 19/09/2011)..... 3709

WorkCover (2010-2011) (Date received 19/09/2011) 3710

Notices -

Fair Trading Act 2010 (Consumer Protection Notice No. 33 of 2011 - Revocation of interim ban and
imposition of permanent ban on certain babies' dummies to which there are crystals, beads or
other similar ornaments attached G.G. 16/09/2011 and Consumer Protection Notice No. 34 of
2011 - Revocation of interim ban and imposition of permanent ban on Hazard Identified items,
which are designed to be attached to babies' dummies G.G. 16/09/2011)..... 3711

Regulations -

First Home Owner Grant Act 2000 (First Home Owner Grant Amendment Regulations 2011 G.G 09/09/2011)	3712
Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment Regulations 2011 G.G. 09/09/2011).....	3713
Taxation Administration Act 2003 (Taxation Administration Amendment Regulations 2011 G.G. 09/09/2011).....	3714

Minister for Energy*Regulations -*

Terrorism (Preventative Detention) Act 2006 (Terrorism (Preventative Detention) Regulations 2011 G.G. 16/09/2011)	3715
Weapons Act 1999 (Weapons Amendment Regulations (No. 2) 2011 G.G. 16/09/2011)	3716

Minister for Child Protection*Annual Reports - Extension of Time -*

Agriculture and Food, Department of - Annual Report 2010-2011, extension of time to report (Date received 08/09/2011)	3717
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Local Laws -

Cemeteries Act 1986 (Shire of Augusta-Margaret River Cemeteries Amendment Local Law 2011 G.G. 06/09/2011).....	3718
Local Government Act 1995 (Shire of Derby/West Kimberley Waste Services Local Law 2011 G.G. 13/09/2011 and Shire of Murray Dog Amendment Local Law 2011 G.G. 13/09/2011)	3719
Local Government Act 1995 (Shire of Augusta-Margaret River Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2011 G.G. 06/09/2011 and Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 G.G. 05/09/2011)....	3720

Regulations -

Agriculture and Related Resources Protection Act 1976 (Agriculture and Related Resources Protection Regulations 2011 G.G. 09/09/2011).....	3721
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Minister for Mental Health*Leases -*

CALM Lease No. 2317/100 - Between CALM and Kimberley Wilderness Adventures Pty Ltd, for a Commercial Camping Facility at Kurrajong, Purnululu National Park	3722
CALM Lease No. 2324/97 - Between CALM and Water Corporation, for a Water Treatment Plant at State Forest No.7, Mundaring.....	3723

Regulations -

East Perth Redevelopment Act 1991 (East Perth Redevelopment (Subtracted Area - Stage 2) Regulations 2011 G.G. 06/09/2011).....	3724
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7. Industrial Legislation Amendment Bill 2011

The Minister for Commerce: To move on the next day of sitting -

That a Bill for “An Act to amend the following Acts —

- the *Construction Industry Portable Paid Long Service Leave Act 1985*;
- the *Industrial Relations Act 1979*;
- the *Minimum Conditions of Employment Act 1993*;
- the *Employment Dispute Resolution Act 2008*,

and to make minor amendments to other Acts.” be introduced and read a first time.

8. Order of Business

Ordered - That Orders of the Day Nos 1, *Planning and Development Amendment Regulations (No. 4) 2011 - Disallowance*, and 2, *Strata Titles General Amendment Regulations 2011 - Disallowance*, be taken after Committee Report No. 26, *Standing Committee on Environment and Public Affairs - Report No. 23 - Inquiry into the Transportation of Detained Persons: The Implementation of the Coroner’s Recommendations in Relation to the Death of Mr Ward and Related Matters - Committee Report*. (Leader of the House).

9. Metropolitan Redevelopment Authority Bill 2011

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

Debate resumed.

10. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for State Development tabled a document in relation to the breakdown of costs for the Browse LNG Precinct Project from 2008-09 to 2013-14, in response to question on notice No. 4355 asked by Hon Robin Chapple. (Tabled paper 3727).

The Minister for Finance representing the Minister for Transport tabled, and by leave incorporated into Hansard, a correction in relation to traffic modelling for the Roe Highway extension, in response to question without notice No. 676 asked by Hon Lynn MacLaren on 31 August 2011. (Tabled paper 3728).

The Minister for Finance representing the Minister for Transport tabled, and by leave incorporated into Hansard, a correction in relation to traffic modeling for the Roe Highway extension, in response to question without notice No. 691 asked by Hon Lynn MacLaren on 1 September 2011. (Tabled paper 3729).

The Minister for Mental Health representing the Minister for Water tabled a document in relation to the amount of gigalitres of water per annum that licensed operators may extract, in response to question on notice No. 4382 asked by Hon Alison Xamon. (Tabled paper 3730).

The Minister for Mental Health tabled a document in relation to the number of adult mental health patient beds that were available in public and private hospitals from 2009 to 19 August 2011, in response to question on notice No. 4508 asked by Hon Alison Xamon. (Tabled paper 3731).

11. Metropolitan Redevelopment Authority Bill 2011

Debate resumed on the second reading of this Bill (cf item 9 above).

Hon Adele Farina moved, without notice -

That -

- (1) Order of the Day No. 6, the *Metropolitan Redevelopment Authority Bill 2011* be discharged and referred to the Standing Committee on Legislation for consideration and report not later than 24 November 2011.
- (2) The committee is to inquire into and report on the policy of the Bill.

Debate ensued.

Question - put.

The House divided.

Ayes (13)

Hon Matt Benson-Lidholm
 Hon Robin Chapple
 Hon Kate Doust
 Hon Adele Farina
 Hon Jon Ford
 Hon Lynn MacLaren
 Hon Ljiljana Ravlich

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

Noes (19)

Hon Liz Behjat
 Hon Jim Chown
 Hon Peter Collier
 Hon Mia Davies
 Hon Wendy Duncan
 Hon Phil Edman
 Hon Brian Ellis
 Hon Philip Gardiner
 Hon Nick Goiran
 Hon Nigel Hallett

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.

Debate resumed on the second reading of the Bill.

Question - put and passed.

Bill read a second time.

Ordered - That consideration of the Committee's Report be made an Order of the Day at a later stage of this day's sitting.

12. Agricultural Practices (Disputes) Repeal Bill 2011

The Minister for Child Protection representing the Minister for Agriculture and Food, by leave: To move on the next day of sitting -

That a Bill for "An Act to repeal the *Agricultural Practices (Disputes) Act 1995* and for related purposes." be introduced and read a first time.

13. Order of Business

Ordered - That Order of the Day No. 6, *Metropolitan Redevelopment Authority Bill 2011*, be taken forthwith. (Leader of the House).

14. Metropolitan Redevelopment Authority Bill 2011

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

The Deputy President left the Chair.

In Committee

(Hon Col Holt in the Chair)

Clause 1.

Debate ensued.

Point of Order

The Leader of the House raised the following Point of Order -

I have been looking at the procedural notes that were provided to us recently on Clause 1 of a Bill. They state —

In recent times the debate on the Short Title has been permitted to touch on a variety of issues relating to the practical implementation of the Bill, so long as the debate does not expand itself into questioning the policy of the Bill ...

It seems to me that we are now getting a retread of the second reading debate. Indeed, the comments just made by Hon Adele Farina were identical to comments she made during her speech on the second reading. Whether or not she likes the outcome of the decision by the House with respect to the policy of the Bill, that decision has been made. The vote on the second reading has been taken and it was unanimously agreed to by the House. I suggest that questions of this nature and whether LandCorp should do the job are quite outside the policy that has already been decided. Mr Deputy Chairman, I ask you to direct the Member to take into account what Clause 1 of the Bill is about, as opposed to having a retread of the contribution to the second reading debate.

Deputy Chairman's Ruling

The Deputy Chairman ruled as follows -

Just to reiterate, the “Legislative Council Procedural Notes for Members” state —

The short title debate does no more than give Members the opportunity to range over the clauses of the Bill, foreshadow amendments and indicate, consistent with the policy of the Bill, how its formal content may be improved. It is not a vehicle for continuing debate on policy; rather, if Members do not wish the Bill to proceed, the action they should follow is to vote to defeat Clause 1 of the Bill as it stands.

We will continue with the debate but not on the policy of the bill.

Debate resumed.

Clause agreed to.

Clause 2 agreed to.

Clause 3.

Hon Lynn MacLaren moved -

Page 3, line 6 — To delete “or for an approval under section 60(2)”.

Debate ensued.

Amendment - put and negatived.

Hon Lynn MacLaren moved -

Page 3, line 8 — To delete “Authority” and insert —

WAPC

Debate ensued.

Amendment - put and negatived.

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

Clauses 4 to 6 agreed to.

Clause 7.

Hon Lynn MacLaren moved -

Page 6, line 4 — To delete “control” and insert —

coordinate

Debate ensued.

Amendment - put and negatived.

Hon Lynn MacLaren moved -

Page 6, line 7 — To delete “must have” and insert —

must —

(a) have

Debate ensued.

Amendment - put and negatived.

Hon Lynn MacLaren moved -

Page 6, line 9 — To delete “area.” and insert —

area; and

(b) have regard to the following —

- (i) facilitating planning principles that address ecological sustainability and best practice urban design;
- (ii) the provision of affordable housing options for low to moderate income households;
- (iii) accessibility to community and public transport services.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (15)

Hon Matt Benson-Lidholm
 Hon Helen Bullock
 Hon Robin Chapple
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Jon Ford
 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 (18)

Hon Liz Behjat
 Hon Jim Chown
 Hon Mia Davies
 Hon Wendy Duncan
 Hon Phil Edman
 Hon Brian Ellis
 Hon Philip Gardiner
 Hon Nick Goiran
 Hon Nigel Hallett

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*)

Amendment thus negated.

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

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9.

Hon Lynn MacLaren moved -

Page 7, lines 13 to 15 — To delete “, despite those functions being exercised or performed outside of a redevelopment area”.

Debate ensued.

Hon Adele Farina moved - That consideration of Clause 9 be postponed until after Clause 156.

Question - put and passed.

Clauses 10 to 14 agreed to.

Clause 15.

Debate ensued.

Hon Lynn MacLaren moved - That consideration of Clause 15 be postponed until after Clause 156.

Question - put and passed.

Clauses 16 and 17 agreed to.

Clause 18.

Hon Lynn MacLaren moved -

Page 12, line 12 — To delete “subject to section 20,”.

Debate ensued.

Amendment - put and negated.

Hon Lynn MacLaren moved -

Page 12, line 15 — To delete “the amount prescribed by the regulations” and insert —

\$1 000 000

Debate ensued.

Interruption pursuant to Temporary Orders.

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.

15. Members’ Statements

Statements were taken.

16. Adjournment

The House adjourned at 10.23pm until Wednesday, 21 September 2011 at 2.00pm.

Members present during the day’s proceedings

Attendance: Present all Members.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council