

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 76

WEDNESDAY, 24 MARCH 2010

1. Meeting of Council

The Council assembled at 4.00pm pursuant to order.

The President, Hon Barry House, took the Chair and read prayers.

2. Petitions

Hon Lynn MacLaren presented a petition, by delivery to the Clerk, [SO 130], from 285 petitioners requesting the Legislative Council support the preservation of leased shack-site communities for alternative recreational holiday destinations for Western Australians. (Tabled paper 1836).

Hon Alison Xamon presented a petition, by delivery to the Clerk, [SO 130], from 20 petitioners requesting the Legislative Council inquire, report and recommend opposition to the use of depleted uranium munitions. (Tabled paper 1837).

3. Ministerial Statement - Collgar Wind Farm Development - Merredin

The Minister for Energy made a Ministerial Statement with respect to an agreement for the development and construction of operating wind farms in Merredin.

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

4. Ministerial Statement - Skilled Migration WA

The Minister for Training and Workforce Development made a Ministerial Statement with respect to the establishment of the Skilled Migration WA unit within the Department of Training and Workforce Development.

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

5. Ministerial Statement - Perth Storms - Impact on Wildlife

The Minister for Environment made a Ministerial Statement with respect to the impact of the storm that occurred over Perth on Monday, 22 March 2010 in relation to the Perth wildlife and environment.

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

6. Ministerial Statement - Australia-New Zealand Square Kilometre Array Pathfinder Radio Telescope

The Parliamentary Secretary representing the Minister for Science and Innovation made a Ministerial Statement with respect to the construction of the Australia-New Zealand Square Kilometre Array Pathfinder (ASKAP) radio telescope at the Murchison Radio-Astronomy Observatory.

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

7. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers -

Information Systems Audit Report (Report No. 2) (March 2010) 1834

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Report No. 110 - Treaties tabled on 15 March 2010 1835

8. Standing Committee on Uniform Legislation and Statutes Review - Approvals and Related Reforms (No. 1) (Environment) Bill 2009 - Extension of Reporting Time

Hon Adele Farina presented a Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Approvals and Related Reforms (No. 1) (Environment) Bill 2009* seeking an extension of time to report from Thursday, 25 March 2010 to Thursday, 22 April 2010. (Tabled paper 1838).

Hon Adele Farina moved, That the Report do lie upon the Table and be adopted and agreed to.

Question - put and passed.

9. Freedom of Information Process

Motion No. 1 having been called, Hon Ljiljana Ravlich continued her introductory remarks in moving the motion as follows -

That this House condemns the Premier for failing to honour his election commitment to review the manner in which Departments are administering the Freedom of Information (FOI) process, to ensure that the Government is accountable and open in accordance with the spirit of the FOI Act and calls on the Premier to explain why he has allowed a culture of arrogance, secrecy and of deliberately keeping information from the public to develop among his Cabinet Ministers when dealing with FOI requests.

10. Questions Without Notice

Questions without notice were taken.

The Minister for Energy tabled, and by leave incorporated into Hansard, a document containing a table in relation to the number of power outages in the Shire of Morawa since 1 October 2008 to 31 January 2010, in response to a question without notice asked by Hon Matt Benson-Lidholm. (Tabled paper 1839).

The Leader of the House, by leave, incorporated material into Hansard in response to question without notice No. 38 asked by Hon Robin Chapple.

The Minister for Child Protection tabled documents in relation to details of FTE allocations and vacancies by directorate and district as at 30 November 2009 in response to question on notice No. 1948 asked by Hon Sue Ellery. (Tabled paper 1840).

11. Freedom of Information Process

Debate resumed on the motion of Hon Ljiljana Ravlich (cf item 9 above).

Interruption of Debate [SO 195].

12. Order of Business

Ordered - That Orders of the Day Nos 1, *Taxi Amendment Regulations (No. 2) 2009 - Disallowance*, 2, *City of Perth Standing Orders Local Law 2009 - Disallowance*, and 3, *Genetically Modified Crops Free Areas Exemption Order - Disallowance*, be taken after Order of the Day No. 9, *Working with Children (Criminal Record Checking) Amendment Bill 2009*. (Leader of the House).

13. Child Exploitation Material and Classification Legislation Amendment Bill 2009

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

The Parliamentary Secretary representing the Attorney General 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.

14. Equal Opportunity Amendment Bill 2009

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.

Leave was granted to proceed forthwith to the third reading of the Bill.

Hon Sue Ellery moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

15. Order of Business

Ordered - That Order of the Day No. 2, *City of Perth Standing Orders Local Law 2009 - Disallowance*, be taken forthwith. (Leader of the House).

16. City of Perth Standing Orders Local Law 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. 2, *City of Perth Standing Orders Local Law 2009 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

17. Approvals and Related Reforms (No. 2) (Mining) 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 agreed to.

Clauses 2 to 7 agreed to.

Clause 8.

Debate ensued.

Hon Robin Chapple moved -

Page 4, after line 17 — To insert —

- (c) is the result of a process of good faith consultation in order to develop post mining land use options, as required by the guidelines; and
- (d) briefly describes the process of good faith consultation and scoping actually undertaken, including by listing the stakeholders consulted; and
- (e) without limiting the generality of (b), includes a specific set of completion criteria for each site, as required by the guidelines; and
- (f) without limiting the generality of (b), includes an outline of the rehabilitation procedures for each project component, as required by the guidelines;

Amendment - put and negatived.

Hon Robin Chapple moved -

Page 4, lines 26 to 28 — To delete the lines.

Page 5, after line 3 — To insert —

- (d) is the result of a process of good faith consultation and scoping, as required by the guidelines; and
- (e) briefly describes the process of good faith consultation and scoping actually undertaken, including by listing the stakeholders consulted; and
- (f) is published by the Director General, in the manner required by the guidelines, as soon after receipt as is practicable; and
- (g) is advertised as being available for the public, in the manner required by the guidelines, as soon after receipt as is practicable;

Debate ensued.

Amendments - put and negatived.

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

Clause 9 agreed to.

Clause 10.

Debate ensued.

Hon Robin Chapple moved -

Page 6, line 2 — To insert after “official” —

- , provided only if the prescribed official is satisfied on reasonable grounds that —
- (i) the relevant lessee has internal processes that will trigger, in appropriate circumstances, the need for an internal review of the mine closure plan at an earlier date; and
 - (ii) should those internal processes trigger the need for such an internal review the relevant lessee will very likely conduct that review and lodge it, within a reasonable timeframe, for the approval of a prescribed official, in the prescribed manner.

Amendment - put and negatived.

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

Clauses 11 to 43 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Mines and Petroleum 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.

18. Partial Revocation of State Forest Nos 2, 12, 16, 38, 55 and 57

The Order of the Day having been called, the Minister for Environment, pursuant to notice, moved -

That the proposal for the partial revocation of State Forest Nos 2, 12, 16, 38, 55 and 57 laid on the Table of the Legislative Council on Tuesday, 10 November 2009 be carried out, and invite the Legislative Assembly to agree to a similar resolution.

Debate ensued.

Question - put and passed.

19. Partial Revocation of State Forest Nos 22, 23 and 25

The Order of the Day having been called, the Minister for Environment, pursuant to notice, moved -

That the proposal for the partial revocation of State Forest Nos 22, 23 and 25 laid on the Table of the Legislative Council on Tuesday, 10 November 2009 be carried out, and invite the Legislative Assembly to agree to a similar resolution.

Debate ensued.

Question - put and passed.

20. Partial Revocation of State Forest Nos 22 and 38

The Order of the Day having been called, the Minister for Environment, pursuant to notice, moved -

That the proposal for the partial revocation of State Forest Nos 22 and 38 laid on the Table of the Legislative Council on Tuesday, 10 November 2009 be carried out, and invite the Legislative Assembly to agree to a similar resolution.

Debate ensued.

Question - put and passed.

21. Professional Standards Amendment Bill 2009

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

Debate ensued.

Interruption of Debate [SO 61(b)].

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

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 88

The Legislative Assembly acquaints the Legislative Council that it has agreed 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 Acts be extended to 15 October 2010.

and presents the same to the Legislative Council for its concurrence.

Mr M.W. Sutherland

Deputy Speaker

Legislative Assembly Chamber

Perth, 18 March 2010

Ordered - That consideration of Message No. 88 be made an Order of the Day for the next sitting.

23. Statement by Member - Matter of Privilege - Request for President's Ruling

Hon Jon Ford raised a matter alleging a breach of privilege concerning the attempted serving of a summons on him within the precincts of the Parliament during a sitting of the House.

Pursuant to Standing Order 155(4), the President shall rule on the matter at the next sitting of the House.

24. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.23pm until Thursday, 25 March 2010 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Wendy Duncan, Hon Alyssa Hayden and Hon Colin Holt.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council