

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 89

THURSDAY, 20 MAY 2010

1. Meeting of Council

The Council assembled at 10.00am pursuant to Temporary Orders.

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

2. Petitions

Hon Nigel Hallett presented a petition from 645 petitioners requesting the Legislative Council support the protection of unallocated Crown Land known as the Donovan Street Bushland, Augusta. (Tabled paper 2047).

Hon Wendy Duncan presented a petition from 2 petitioners requesting the Legislative Council investigate the inadequate mobile telephone coverage in the Eyre Region. (Tabled paper 2048).

Hon Wendy Duncan, by leave, presented a non-conforming petition from 386 petitioners requesting the Legislative Council investigate the inadequate mobile telephone coverage in the Eyre Region. (Tabled paper 2049).

3. Ministerial Statement - National WorldSkills Competition

The Minister for Training and Workforce Development made a Ministerial Statement with respect to the recent success of Western Australian trainees at the national WorldSkills competition in Brisbane.

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

4. Standing Committee on Uniform Legislation and Statutes Review - Forty-Ninth Report - Credit (Commonwealth Powers) Bill 2009

Hon Nigel Hallett presented the Forty-Ninth Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Credit (Commonwealth Powers) Bill 2009*. (Tabled paper 2050).

Hon Nigel Hallett moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

5. Standing Committee on Uniform Legislation and Statutes Review - Fiftieth Report - Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Bill 2009

Hon Nigel Hallett presented the Fiftieth Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Bill 2009*. (Tabled paper 2051).

Hon Nigel Hallett moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

6. Standing Committee on Public Administration - Inquiry into Recreation Activities within Public Drinking Water Source Areas - Extension of Reporting Time

Hon Ken Baston presented a Report of the Standing Committee on Public Administration in relation to the *Inquiry into Recreation Activities within Public Drinking Water Source Areas* seeking an extension of time for the Committee to report from 1 July 2010 to 23 September 2010. (Tabled paper 2052).

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

Question - put and passed.

7. Shire of Busselton - Local Government Property Local Law 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 *Shire of Busselton - Local Government Property Local Law 2010* published in the *Gazette* on 9 March 2010 and tabled in the Legislative Council on 23 March 2010 under the *Local Government Act 1995*, be and is hereby disallowed.

8. Shire of Augusta - Margaret River - Cemeteries Local Law 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 *Shire of Augusta - Margaret River - Cemeteries Local Law 2010* published in the *Gazette* on 5 March 2010 and tabled in the Legislative Council on 23 March 2010 under the *Cemeteries Act 1986*, be and is hereby disallowed.

9. Shire of Augusta - Margaret River - Activities in Thoroughfares and Public Places and Trading Local Law 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 *Shire of Augusta - Margaret River - Activities in Thoroughfares and Public Places and Trading Local Law 2010* published in the *Gazette* on 5 March 2010 and tabled in the Legislative Council on 23 March 2010 under the *Local Government Act 1995*, be and is hereby disallowed.

10. Liquor Control Amendment 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 *Liquor Control Amendment Regulations 2010* published in the *Gazette* on 2 March 2010 and tabled in the Legislative Council on 23 March 2010 under the *Liquor Control Act 1988*, be and are hereby disallowed.

11. Perth Hills Planning Bill 2010

Hon Alison Xamon, pursuant to notice, moved -

That a Bill for “An Act to promote sustainable, appropriate and integrated land use planning and development in the Perth Hills area, by establishing a committee to first facilitate the creation of a Perth Hills Plan, and subsequently to advise on land use planning and development in the Perth Hills area.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

Hon Alison Xamon moved, That the Bill be now read a second time.

Debate stands adjourned.

12. Voluntary Euthanasia Bill 2010

Hon Robin Chapple, pursuant to notice, moved -

That a Bill for “An Act to provide for the administration of voluntary euthanasia.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

Hon Robin Chapple moved, That the Bill be now read a second time.

Debate stands adjourned.

13. Jandakot Airport Master Plan and Environmental Approval of Future Development

Non-Government Business No. 3 having been called, Hon Lynn MacLaren moved, without notice -

That this Council calls on the Rudd Government to reconsider its 19 March 2010 approval of the Jandakot Airport Master Plan, and its 26 March 2010 environmental approval of future development at Jandakot Airport, particularly in view of -

- (a) the current lack of proper integration between the proposed new development within the Jandakot Airport land, and State and local planning in surrounding areas, including in relation to the important issue of protecting communities from excessive aircraft noise;
- (b) the unacceptable risks to the quality and quantity of groundwater, and the environmental values of the Jandakot mound; and
- (c) the loss of yet more Bush Forever land with the promise of offsets unlikely to adequately compensate for that loss.

Debate ensued.

Pursuant to Temporary Orders, debate stands adjourned to the next sitting.

14. 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, *Agriculture and Related Resources Protection (European House Borer) Amendment Regulations 2010 - Disallowance*, 7, *Liquor Control Amendment Regulations (No. 7) 2009 - Disallowance*, and 8, *Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations (No. 2) 2009 - Disallowance*, be taken after Order of the Day No. 12, *Appropriation (Consolidated Account) Capital 2007-08 and 2008-09 (Supplementary) Bill 2009*. (Leader of the House).

15. Road Traffic Amendment Bill 2010

The Order of the Day having been read for the third reading of this Bill.

The Minister for Energy representing the Minister for Police, by leave, tabled supplementary information in relation to the *Road Traffic Amendment Bill 2010*. (Tabled paper 2053).

The Minister for Energy representing the Minister for Police 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.

Debate ensued.

Question - put and passed.

Bill read a third time and passed.

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

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

The Leader of the House moved, That the report be adopted.

Question - put and passed.

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

17. Rail Safety Bill 2009

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 Max Trenorden in the Chair)

Clause 1.

Debate ensued.

The Minister for Transport tabled documents entitled *Summary of Variations between the Rail Safety Act 1998 (RSA) and the Western Australian Draft Rail Safety Bill 2009* and *Summary of Variations to the National Model Rail Safety Legislation incorporated into the Western Australian Draft Rail Safety Bill 2009*. (Tabled paper 2054).

Clause agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clauses 6 to 13 agreed to.

Clause 14.

Debate ensued.

Clause agreed to.

Clauses 15 to 27 agreed to.

Clause 28.

Debate ensued.

The Leader of the House moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

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 at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

18. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2010-2011 - Tabling of Papers

The following Papers were laid on the Table by -

Parliamentary Secretary representing the Treasurer

Budget Papers and Related Papers -

2010-2011 Budget - Budget Speech - Budget Paper No. 1	2044A
2010-2011 Budget - Reader's Guide to the 2010-2011 Budget Statements.....	2044B
2010-2011 Budget - Budget Overview	2044C
2010-2011 Budget - Budget Statements - Budget Paper No. 2 (Volume 1)	2044D
2010-2011 Budget - Budget Statements - Budget Paper No. 2 (Volume 2)	2044E
2010-2011 Budget - Budget Statements - Budget Paper No. 2 (Volume 3)	2044F
2010-2011 Budget - Economic and Fiscal Outlook - Budget Paper No. 3	2044G
2010-2011 Budget - Compact Disk.....	2044H

The Parliamentary Secretary representing the Treasurer moved, without notice -

That pursuant to Standing Order 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 Thursday, 20 May 2010.

Ordered - That consideration of the Tabled Papers be made an Order of the Day for the next sitting. (Hon Ed Dermer).

19. Order of Business

Ordered - That Order of the Day No. 14, *Rail Safety Bill 2009*, be taken forthwith. (Leader of the House).

20. Rail Safety Bill 2009

The President left the Chair.

In Committee

(Hon Jon Ford in the Chair)

Clause 28 agreed to.

Clauses 29 to 47 agreed to.

Clause 48.

Debate ensued.

Clause agreed to.

Clauses 49 to 57 agreed to.

Clause 58.

Debate ensued.

Clause agreed to.

Clauses 59 to 72 agreed to.

Clause 73.

Debate ensued.

Clause agreed to.

Clauses 74 to 77 agreed to.

Clause 78.

Debate ensued.

The Minister for Transport moved -

Page 67, after line 18 — To insert —

- (b) If it is not practicable for a rail safety worker to produce the identification on being requested to do so, the rail safety worker may produce it within a period considered reasonable by the requesting rail safety officer.

Debate ensued.

The Minister for Transport moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and passed.

The Deputy 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 at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

21. 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*, and 7, *Liquor Control Amendment Regulations (No. 7) 2009 - Disallowance*, in that order, be taken forthwith. (Leader of the House).

22. Cognate Debate - Betting Control Amendment Regulations (No. 4) 2009 - Disallowance, Casino Control Amendment Regulations 2009 - Disallowance, Casino Control (Burswood Island) (Licensing of Employees) Amendment Regulations (No. 2) 2009 - Disallowance, Gaming and Wagering Commission Amendment Regulations 2009 - Disallowance, Racing and Wagering Western Australia Amendment Regulations 2009 - Disallowance and Liquor Control Amendment Regulations (No. 7) 2009 - Disallowance

The Leader of the House sought leave of the House to debate 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*, and 7, *Liquor Control Amendment Regulations (No. 7) 2009 - Disallowance* cognately [SO 228].

Leave granted.

23. Betting Control Amendment Regulations (No. 4) 2009, Casino Control Amendment Regulations 2009, Casino Control (Burswood Island) (Licensing of Employees) Amendment Regulations (No. 2) 2009, Gaming and Wagering Commission Amendment Regulations 2009, Racing and Wagering Western Australia Amendment Regulations 2009 and Liquor Control Amendment Regulations (No. 7) 2009 - Disallowance

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

- (1) That the *Betting Control Amendment Regulations (No. 4) 2009* published in the *Gazette* on 30 October 2009 and tabled in the Legislative Council on 10 November 2009 under the *Betting Control Act 1954*, be and are hereby disallowed;
- (2) That the *Casino Control Amendment Regulations 2009* published in the *Gazette* on 30 October 2009 and tabled in the Legislative Council on 10 November 2009 under the *Casino Control Act 1984*, be and are hereby disallowed;
- (3) That the *Casino Control (Burswood Island) (Licensing of Employees) Amendment Regulations (No. 2) 2009* published in the *Gazette* on 30 October 2009 and tabled in the Legislative Council on 10 November 2009 under the *Casino Control Act 1984*, be and are hereby disallowed;
- (4) That the *Gaming and Wagering Commission Amendment Regulations 2009* published in the *Gazette* on 30 October 2009 and tabled in the Legislative Council on 10 November 2009 under the *Gaming and Wagering Commission Act 1987*, be and are hereby disallowed;
- (5) That the *Racing and Wagering Western Australia Amendment Regulations 2009* published in the *Gazette* on 30 October 2009 and tabled in the Legislative Council on 10 November 2009 under the *Racing and Wagering Western Australia Act 2003*, be and are hereby disallowed; and
- (6) That the *Liquor Control Amendment Regulations (No. 7) 2009* published in the *Gazette* on 20 November 2009 and tabled in the Legislative Council on 24 November 2009 under the *Liquor Control Act 1988*, be and are hereby disallowed.

Debate ensued.

24. Questions Without Notice

Questions without notice were taken.

The Minister for Transport tabled a map entitled *Perth Public Transport Area Acceptable Service Level KPI 2009*, in response to a question without notice asked by Hon Ken Travers. (Tabled paper 2055).

The Minister for Mines and Petroleum tabled documents in relation to details of mines record book entries, stop work orders and notices issued by the Department of Mines and Petroleum for the years 2008 to 2010, in response to question on notice No. 2281 asked by Hon Robin Chapple. (Tabled paper 2056).

25. Betting Control Amendment Regulations (No. 4) 2009, Casino Control Amendment Regulations 2009, Casino Control (Burswood Island) (Licensing of Employees) Amendment Regulations (No. 2) 2009, Gaming and Wagering Commission Amendment Regulations 2009, Racing and Wagering Western Australia Amendment Regulations 2009 and Liquor Control Amendment Regulations (No. 7) 2009 - Disallowance

Cognate debate resumed on the motions of Hon Robin Chapple (cf item 23 above).

Pursuant to order the President put the questions.

- (1) That the *Betting Control Amendment Regulations (No. 4) 2009* published in the *Gazette* on 30 October 2009 and tabled in the Legislative Council on 10 November 2009 under the *Betting Control Act 1954*, be and are hereby disallowed.

Question - put.

The House divided.

Ayes (12)

Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Jon Ford
Hon Lynn MacLaren

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

Noes (16)

Hon Liz Behjat
Hon Peter Collier
Hon Mia Davies
Hon Phil Edman
Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran
Hon Nigel Hallett

Hon Alyssa Hayden
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.

- (2) That the *Casino Control Amendment Regulations 2009* published in the *Gazette* on 30 October 2009 and tabled in the Legislative Council on 10 November 2009 under the *Casino Control Act 1984*, be and are hereby disallowed.

Question - put and negatived.

- (3) That the *Casino Control (Burswood Island) (Licensing of Employees) Amendment Regulations (No. 2) 2009* published in the *Gazette* on 30 October 2009 and tabled in the Legislative Council on 10 November 2009 under the *Casino Control Act 1984*, be and are hereby disallowed.

Question - put and negatived.

- (4) That the *Gaming and Wagering Commission Amendment Regulations 2009* published in the *Gazette* on 30 October 2009 and tabled in the Legislative Council on 10 November 2009 under the *Gaming and Wagering Commission Act 1987*, be and are hereby disallowed.

Question - put and negatived.

- (5) That the *Racing and Wagering Western Australia Amendment Regulations 2009* published in the *Gazette* on 30 October 2009 and tabled in the Legislative Council on 10 November 2009 under the *Racing and Wagering Western Australia Act 2003*, be and are hereby disallowed.

Question - put and negatived.

- (6) That the *Liquor Control Amendment Regulations (No. 7) 2009* published in the *Gazette* on 20 November 2009 and tabled in the Legislative Council on 24 November 2009 under the *Liquor Control Act 1988*, be and are hereby disallowed.

Question - put and negatived.

26. Members' Statements

Statements were taken.

27. Health Practitioner Regulation National Law (WA) Bill 2010

The Deputy President reported the receipt of Message No. 97 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Transport representing the Minister for Health moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Transport representing the Minister for Health moved, That the Bill be now read a second time.

Debate stands adjourned and the Bill referred to the Standing Committee on Uniform Legislation and Statutes Review.

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

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 98

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Approvals and Related Reforms (No. 3) (Crown Land) Bill 2009*.

Mrs L.M. Harvey
Acting Speaker

Legislative Assembly Chamber
Perth, 20 May 2010

29. Working with Children (Criminal Record Checking) Amendment Bill 2009

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 99

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Working with Children (Criminal Record Checking) Amendment Bill 2009* without amendment.

Mrs L.M. Harvey

Acting Speaker

Legislative Assembly Chamber

Perth, 20 May 2010

30. Adjournment

The House adjourned at 6.09pm until Tuesday, 25 May 2010 at 3.00pm.

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