

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 56

WEDNESDAY, 14 OCTOBER 2009

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. Statement by President - Energy, Water Use and Waste Reduction Measures at Parliament House

The President made the following Statement on behalf of the Presiding Officers -

Parliament House as a venue has an important and symbolic role for the people of Western Australia. The Speaker and I are pleased to advise members that a reduction in the use of energy and water and the recycling of waste is now a fundamental part of the operations of this iconic facility. Over the past several years a raft of measures have been introduced to minimize our environmental impact including decommissioning of the fountains, replacing exotic flora with drought tolerant native plants, installing low energy lamps, introducing end-of-journey facilities to encourage bicycle and public transport use, fitting water restrictors to tap ware, recycling waste and replacing inefficient lift motors. Continuing with this theme, Parliament House has now installed an array of solar hot water panels on the roof to provide, on sunny days, 100% of the hot water to our kitchens, main toilets and changing facilities. It is appropriate that this has coincided with Enviroweek throughout Australia. Members can be assured that both the Speaker and I are committed to continuing these improvements in the sustainability of Parliament House.

3. Statement by President - CouncilLinQ

The President made the following Statement -

I wish to advise Members of a new web-based service which began last night, known as CouncilLinQ. Enhancements have been made to the live video of the Council's proceedings. That web page now provides a copy of the daily Business Program, which automatically points to the particular business under discussion. Many of the documents listed for discussion on the Business Program, such as Bills and committee reports can now be immediately viewed by simply clicking on the item on the Business Program. Further improvements are planned, such as an archive of footage of the last 14 sitting days. I hope the Members and the public find this facility useful.

4. Ministerial Statement - Office of the Environmental Protection Authority - Establishment

The Minister for Environment made a Ministerial Statement with respect to the establishment of the Office of the Environmental Protection Authority.

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

5. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers

Adult Community Mental Health Teams: Availability, Accessibility and Effectiveness of Services (Report No. 10) (October 2009) 1411

Leader of the House

Reports -

Interstate and Overseas Travel undertaken by Members of Parliament Funded by the Imprest System (For the three months ended 30 June 2009)..... 1412

Minister for Transport

Annual Reports -

Albany Port Authority (2008-2009) (Date received 13/10/2009) 1413

Port Hedland Port Authority (2008-2009) (Date received 13/10/2009)..... 1414

Reports -

Broome Port Authority - Statement of Corporate Intent (2009-2010)..... 1415

Report to the Western Australian Parliament on the Operation and Effectiveness of the Port Authorities Act 1999 1416

Reviews -

Review of the Public Transport Authority Act 2003 (PTA) (required under section 70 of the Act) 1417

Parliamentary Secretary representing the Minister for Regional Development

Proposals -

Land Administration Act 1997 - Submission No. 16/2009 - Cancellation of Class A Classification over Reserve No. 22382 - City of Geraldton-Greenough..... 1418

Parliamentary Secretary representing the Attorney General

Annual Reports -

Acacia Prison Services Agreement (2008-2009) (Date received 13/10/2009)..... 1419

Court Security and Custodial Services (2008-2009) (Date received 13/10/2009) 1420

6. Medical Radiation Technologists Amendment Regulations 2009 - Disallowance

Hon Robin Chapple: To move on the next day of sitting -

That the *Medical Radiation Technologists Amendment Regulations 2009* published in the *Gazette* on 7 August 2009 and tabled in the Legislative Council on 12 August 2009 under the *Medical Radiation Technologists Act 2006*, be and are hereby disallowed.

7. Building Amendment Regulations 2009 - Disallowance

Hon Robin Chapple: To move on the next day of sitting -

That the *Building Amendment Regulations 2009* published in the *Gazette* on 31 July 2009 and tabled in the Legislative Council on 12 August 2009 under the *Local Government (Miscellaneous Provisions) Act 1960*, be and are hereby disallowed.

8. Media Consultant Appointments - Withdrawn from Notice Paper

Hon Ljiljanna Ravlich, by leave, moved without notice -

That Motion No. 8, *Media Consultant Appointments*, be withdrawn from the notice paper.

Question - put and passed.

9. Child Death Review Committee - Recommendations

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

That this House notes the recommendations of the *Group Analysis of Aboriginal Child Death Review Cases in which Chronic Neglect is Present* report of the Child Death Review Committee and calls on the Minister for Child Protection to provide quarterly reports to the House on the implementation of those recommendations.

Question - put.

The House divided.

Ayes (13)

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 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 Phil Edman
Hon Brian Ellis
Hon Donna Faragher
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 Ken Baston (*Teller*)

Question thus negatived.

10. Kimberley Liquefied Natural Gas Precinct

Motion No. 2 having been called, Hon Jon Ford, pursuant to notice, moved -

- (1) That this House expresses its concern at the comments made by the Premier to the Committee for Economic Development Australia Conference on Tuesday, 3 March 2009 in which he referred to a proposed LNG precinct to the north of Broome and stated -

“...we are proceeding in developing an LNG precinct to the north of Broome. That's not the spectacular part of the Kimberley coast, it's flat tableland, no people living within probably 30 or 40 kilometres of the area.That's important, we're trying to do that by negotiation, the timetable is the end of this month. If we can't do it by negotiation, the State will resume the land. I'll do that reluctantly, but we will do it. We will not hold up economic development and we will not deny the people of the Kimberley – and particularly the Aboriginal people – the opportunity from some economic independence and some economic security.”
- (2) This House calls on the Premier to -
 - (a) explain how he can claim to be negotiating in good faith when he put on public record that if he doesn't get a negotiated outcome he will resume the land to develop an LNG precinct to the north of Broome; and
 - (b) explain why he is presenting a veiled threat to indigenous people in respect of this matter and whether this is a sign of things to come.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Transport tabled documents in relation to the Proposed Roe Highway Extension - Integrated Project Development Services Agreement - Contract No. 189/08, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled paper 1421).

12. Kimberley Liquefied Natural Gas Precinct

Debate resumed on the motion of Hon Jon Ford (cf item 10 above).

Interruption of Debate [SO 195].

13. Order of Business

Ordered - That Order of the Day No. 1, *City of Albany Keeping and Welfare of Cats Local Law 2008 - Disallowance*, be taken after Order of the Day No. 5, *Bush Fires Amendment Bill 2009*. (Minister for Transport).

14. Criminal Code Amendment (Graffiti) Bill 2009

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

The Parliamentary Secretary to the Attorney General moved, That the Bill be now read a third time.

The President having reported that the 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.

On the motion of the Leader of the House the debate was adjourned to the next sitting.

15. Order of Business

Ordered - That Bills for Introduction be taken forthwith. (Leader of the House).

16. Fish Resources Management Amendment Bill 2009

The Leader of the House, pursuant to notice, moved -

That a Bill for “An Act to amend the *Fish Resources Management Act 1994*.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House moved, That the Bill be now read a second time.

The Leader of the House tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 1422).

Debate stands adjourned.

17. Road Traffic Legislation Amendment (Registration Labels) Bill 2009

The Minister for Transport, pursuant to notice, moved -

That a Bill for “An Act to amend these Acts —

- the *Road Traffic Act 1974*;
- the *Road Traffic (Administration) Act 2008*.”

be introduced and read a first time.

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

18. Statutes (Repeals and Minor Amendments) 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 Jon Ford in the Chair)

The Deputy Chairman put the following question pursuant to SO 234A(2) -

That the following amendments recommended by the Standing Committee on Uniform Legislation and Statutes Review be read into and deemed part of the Bill -

Clause 3.

Page 3, line 8 — To delete “”.”

Page 3, line 9 — To insert after “Act” —

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Page 3, line 16 — To delete “the” and insert —

The

Page 3, line 16 — To insert after “Act” —

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Page 3, line 17 — To delete the line.

Clause 4.

Page 3, line 28 — To insert after “Act” —

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Page 4, line 2 — To insert after “Act” —

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Page 4, line 4 — To insert after “Act” —

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Page 4, line 6 — To insert after “Act” —

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Page 4, line 8 — To insert after “Act” —

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Page 4, line 10 — To insert after “Act” —

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Page 4, line 12 — To insert after “Act” —

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Question - put and passed.

Clause 1 agreed to.

Clauses 2 to 17 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

Report adopted.

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

19. Gas Supply (Gas Quality Specifications) 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)].

20. Police Amendment Bill 2009

The Deputy President reported the receipt of Message No. 55 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Energy moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Energy moved, That the Bill be now read a second time.

Debate stands adjourned.

21. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.44pm until Thursday, 15 October 2009 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jock Ferguson and Hon Max Trenorden.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council