

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 58

TUESDAY, 20 OCTOBER 2009

1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

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

2. President's Ruling - Standing Order 230A - Road Traffic Legislation Amendment (Registration Labels) Bill 2009

The President ruled as follows -

On Wednesday, 14 October 2009 a Bill originating in the Legislative Council was introduced, being the *Road Traffic Legislation Amendment (Registration Labels) Bill 2009*. The Deputy President indicated at the conclusion of the Minister's second reading speech he would seek clarification on the Bill to determine if Standing Order 230A applied. The second reading speech indicates the *Road Traffic Legislation Amendment (Registration Labels) Bill 2009* removes the need for a label for light vehicles but is retained for heavy vehicles. I understand the details contained on labels for heavy vehicles will remain the same. The Bill further provides for regulations to specify information about a vehicle to be contained in or on a label for the vehicle. Having reviewed the *Road Traffic Legislation Amendment (Registration Labels) Bill 2009* and the principal Act I am unable to identify any provision that ratifies or gives effect to a bilateral or multilateral intergovernmental agreement or introduce a uniform scheme. I therefore rule Standing Order 230A does not apply.

Point of Order

Hon Ken Travers raised the following Point of Order -

I seek clarification. The Bill as it stands provides for regulation-making power. If at a future date a regulation under the national heavy vehicles regulations is brought into play, administered by regulation, how will that then require this legislation to conform with Standing Order 230? I do not know whether that is something you have given consideration to, Mr President, as part of your ruling. However, I certainly seek guidance from you on how that would play out if, at a future stage, regulations are enacted that give effect under this legislation. That is something that could not be done under the existing procedures. I certainly ask you to give that some thought, Mr President, and maybe come back to the House at a future date to give further clarification with the respect to the ruling you have made today.

President's Ruling

The President ruled as follows -

Regulations can be applied in terms of a number of different Acts right across the board. Referral under Standing Order 230A applies to Bills, not to Acts. We are dealing with a Bill that has been introduced into the Parliament to be dealt with by the Parliament; we are not dealing with a completed Act.

3. Ministerial Statement - Ravensthorpe - Electricity Supply

The Minister for Energy made a Ministerial Statement with respect to a \$3 million government funding commitment to improve the quality and reliability of power supply in Ravensthorpe.

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

4. Papers

The following Papers were laid on the Table by -

Minister for Fisheries

Regulations -

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 13) 2009 G.G. 13/10/2009) 1429

Minister for Transport

Annual Reports -

Broome Port Authority (2008-2009) (Date received 15/10/2009) 1430

Dampier Port Authority (2008-2009) (Date received 15/10/2009) 1431

Esperance Port Authority (2008-2009) (Date received 15/10/2009)..... 1432

Regulations -

Port Authorities Act 1999 (Port Authorities Amendment Regulations (No. 4) 2009 G.G. 16/10/2009)..... 1433

Road Traffic Act 1974 (Road Traffic (Infringements) Amendment Regulations (No. 2) 2009 G.G. 16/10/2009)..... 1434

Minister for Energy

Local Laws -

Local Government Act 1995 (City of Perth Standing Orders Local Law 2009 G.G. 13/10/2009) 1435

Minister for Environment on behalf of the Minister for Child Protection

Regulations -

Genetically Modified Crops Free Areas Act 2003 (Genetically Modified Crops Free Areas Regulations 2009 G.G. 13/10/2009)..... 1436

Veterinary Surgeons Act 1960 (Veterinary Surgeons Amendment Regulations 2009 G.G. 13/10/2009)..... 1437

Parliamentary Secretary to the Attorney General

Rules -

Criminal Procedure Act 2004 (Criminal Procedure Amendment Rules 2009 G.G. 13/10/2009)..... 1438

5. Matter of Urgency - Government Wages Policy

The President read the following letter -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that the Council consider, as a matter of urgency, its grave concern that the State Government has awarded a near 25 percent increase in benefits to the Chief Executive Officer of Verve Energy, and a 12 percent pay increase to the Chief Executive Officer of Western Power while at the same time, persists in having a wages policy that limits public sector pay increases to only 2.5 percent.

Yours sincerely

Hon Kate Doust

Member for South Metropolitan Region

Four members having risen in support.

Hon Kate Doust moved the motion.

Debate ensued.

Interruption of Debate [SO 195].

6. City of Albany Keeping and Welfare of Cats Local Law 2008 - 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. 1, *City of Albany Keeping and Welfare of Cats Local Law 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

7. Order of Business

Ordered - That Orders of the Day Nos 2, *Perth Parking Management Amendment Regulations (No. 2) 2009 - Disallowance*, and 3, *Perth Parking Management Amendment Regulations (No. 2) 2009 - Disallowance*, be taken after Order of the Day No. 8, *Cross-border Justice Amendment Bill 2009*. (Leader of the House).

8. 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 resumed.

Question - put and passed.

Bill read a second time.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Mines and Petroleum tabled documents in relation to the Government's \$80 million mining exploration incentive scheme - list of successful applicants, in response to a question without notice asked by Hon Jon Ford. (Tabled paper 1439).

The Minister for Energy representing the Minister for Emergency Services tabled, and by leave incorporated into Hansard, an answer in relation to Fire Emergency Services Authority officers with level 3 bushfire fighting and command experience, in response to a question without notice asked by Hon Adele Farina. (Tabled paper 1440).

10. Hon Ken Travers - Personal Explanation - Public Transport Authority

Hon Ken Travers sought leave of the House to give a personal explanation [SO 85] regarding his views on the professionalism of officers of the Perth Transport Authority in response to comments made by the Minister for Transport during questions without notice.

President's Ruling

The President ruled as follows -

To clarify the position with Standing Order 85 that was raised by Leader of the House, technically there is a question before the House, which is Order of the Day No. 5, the *Gas Supply (Gas Quality Specifications) Bill 2009*. However, there has been an interruption in that debate in the sense that we had just read the second reading and were moving into committee. I suggest that if the personal explanation that Hon Ken Travers wants to make refers to something pertaining to question time, perhaps the House may make a judgement that this is appropriate time to do it. Other than that, it is in the House's hands if it wants to take the personal explanation at this stage or whether it wants to leave that personal explanation to a later stage of the day's sitting.

Perhaps it may help when Members seek to make a personal explanation if they give a very brief outline of the context and whether it is in relation to questions asked, a Bill or another matter. I suggest, in terms of guidance, that it is up to the House. If it is a matter pertaining to question time, I think this is a relevant opportunity to make that personal explanation. If it is related to something completely contrary to or different from that, I would suggest perhaps the House may decide to take it at a later stage of this day's sitting. I will leave it in the hands of the Member who sought to make a personal explanation, if he wishes, to clarify in broader terms what the explanation is about, and then the House will have some more information to make its decision to grant leave.

Debate ensued.

Leave denied.

11. Gas Supply (Gas Quality Specifications) Bill 2009

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

The President left the Chair.

In Committee

(Hon Helen Morton in the Chair)

Clause 1.

Debate ensued.

Hon Robin Chapple, by leave, tabled a document entitled *Natural Gas: "Magic Pudding" or Depleting Resource Lessons in Western Australia from 2008* by Brian Fleay, October 2009. (Tabled paper 1441).

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3.

The Minister for Energy moved -

Page 3, lines 1 and 2 — To delete the lines and insert —

Gas Access Law means —

- (a) the National Gas Access (Western Australia) Law, the Rules made under that Law and the regulations made under the *National Gas Access (WA) Act 2009*; or
- (b) the Gas Pipelines Access (Western Australia) Law, and the regulations, in force under the *Gas Pipelines Access (Western Australia) Act 1998* before the commencement of the *National Gas Access (WA) Act 2009* section 30;

Debate ensued.

Amendment - put and passed.

The Minister for Energy moved -

Page 4, lines 25 to 28 — To delete the lines and insert —

pipeline service has the meaning given in the National Gas Access (Western Australia) Law section 2;

Debate ensued.

Amendment - put and passed.

The Minister for Energy moved -

Page 5, lines 16 and 17 — To delete the lines.

Amendment - put and passed.

Debate ensued.

The Minister for Energy, by leave, tabled a document entitled *Specification Summary (Proposed Standard Gas Supply Specification)*. (Tabled paper 1442).

Debate resumed.

Clause, as amended, agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5.

Debate ensued.

The Minister for Energy moved -

Page 6, line 17 — To insert after “gas transmission pipeline” —

or a part of a gas transmission pipeline

Amendment - put and passed.

The Minister for Energy moved -

Page 6, after line 21 — To insert —

- (3) In this Act, a reference to a gas transmission pipeline includes a reference to a part of a gas transmission pipeline when the context requires.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8 agreed to.

Clause 9.

Debate ensued.

Interruption of Debate [SO 61(c)].

12. First Home Owner Grant Amendment Bill 2009

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 57

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *First Home Owner Grant Amendment Bill 2009*, with further related amendments, as set forth in the Schedule annexed, in which the Legislative Assembly seeks the Legislative Council's concurrence.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 15 October 2009

Ordered - That consideration, in Committee, of Legislative Assembly Message No. 57 be made an Order of the Day for the next sitting.

13. Land Administration Amendment Bill 2009

The President reported the receipt of Message No. 58 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Lands moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Lands moved, That the Bill be now read a second time.

Debate stands adjourned.

14. Valuation of Land Amendment (Assessed Value) Bill 2009

The President reported the receipt of Message No. 59 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Lands moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Lands moved, That the Bill be now read a second time.

Debate stands adjourned.

15. Adjournment

The Minister for Transport moved, That the House do now adjourn.

Debate ensued.

Question - put and passed.

The House adjourned at 10.50pm until Wednesday, 21 October 2009 at 4.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Alyssa Hayden and Hon Robyn McSweeney.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council