

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 59

WEDNESDAY, 21 OCTOBER 2009

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### 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. Ministerial Statement - Foster Carer Recruitment Campaign

The Minister for Child Protection made a Ministerial Statement with respect to phase 2 of the campaign to recruit more foster carers in Western Australia.

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

### 3. Papers

The following Papers were laid on the Table by -

#### President

*Auditor General's Papers -*

Third Public Sector Performance Report 2009 (Report No. 11) (October 2009)..... 1443

#### Leader of the House

*Annual Reports -*

Racing and Wagering (2008-2009) (Date received 21/10/2009) ..... 1444

### 4. Kimberley Liquefied Natural Gas Precinct

Motion No. 1 having been called, Hon Jon Ford continued his introductory remarks in moving the following motion -

- (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.

Hon Jon Ford, by leave, tabled a document titled *Barrow Island - No Business Need for Speed*. (Tabled paper 1445).

## 5. Questions Without Notice

Questions without notice were taken.

### *Point of Order*

Hon Adele Farina raised the following Point of Order -

I believe the Minister is about to quote from uncorrected Hansard. I do not believe that that is permitted under Standing Orders. I may be wrong and I am prepared to stand corrected by you, Mr President. My understanding is that Members do not quote from uncorrected Hansard.

### *President's Ruling*

The President ruled as follows -

Members can quote the uncorrected Hansard, as long as they clearly identify that it is the uncorrected Hansard. As all Members know, there is a possibility that the uncorrected Hansard may have changes before the final, corrected version is published. The Minister clearly identified that he was going to quote from the uncorrected Hansard. The position, as far as I am concerned, is that Members have to identify the article they are quoting from.

The Minister for Training tabled a document in relation to the terms of reference for Training Australia in relation to investigating institute-based apprenticeships, in response to a question without notice asked by Hon Ljiljana Ravlich. (Tabled paper 1446).

The Minister for Child Protection representing the Minister for Planning tabled documents in relation to advice provided to the Minister for Planning on Shire of Kalamunda Town Planning Scheme No. 3 Amendment No. 18, in response to a question without notice asked by Hon Alison Xamon. (Tabled paper 1447).

The Minister for Energy representing the Minister for Education tabled, and by leave incorporated into Hansard, a document in relation to funding given to the Belmont Primary School under the Stephanie Alexander Kitchen Garden Program, in response to a question without notice asked by Hon Jock Ferguson. (Tabled paper 1448).

## 6. Kimberley Liquefied Natural Gas Precinct

Debate resumed on the motion of Hon Jon Ford (cf item 4 above).

*Interruption of Debate* [SO 195].

## 7. Order of Business

Ordered - That Orders of the Day Nos 1, *Perth Parking Management Amendment Regulations (No. 2) 2009 - Disallowance*, 2, *Perth Parking Management Amendment Regulations (No. 2) 2009 - Disallowance*, 3, *Medical Radiation Technologists Amendment Regulations 2009 - Disallowance*, and 4, *Building Amendment Regulations 2009 - Disallowance*, be taken after Order of the Day No. 9, *Cross-border Justice Amendment Bill 2009*. (Leader of the House).

## 8. Gas Supply (Gas Quality Specifications) Bill 2009

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

The President left the Chair.

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### In Committee

(Hon Michael Mischin in the Chair)

Clause 9.

Debate ensued.

Clause agreed to.

Clause 10 agreed to.

Clause 11.

The Minister for Energy moved -

Page 13, lines 4 to 9 — To delete the lines and insert —

(b) provide for disputes about —

- (i) the relevant effects on the capacity of a PIA pipeline; or
- (ii) the effects on users' rights (under pipeline services agreements) resulting from the way in which the relevant effects on the capacity of the pipeline were or were not dealt with in the pipeline impact agreement,

to be resolved by the determination of an expert chosen in accordance with the regulations and for such determinations to be final and binding on the parties to the dispute;

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 12 to 14 agreed to.

Clause 15.

Debate ensued.

Clause agreed to.

Clause 16.

Debate ensued.

Clause agreed to.

Clause 17 agreed to.

Clause 18.

Debate ensued.

Clause agreed to.

Clauses 19 and 20 agreed to.

Clause 21.

Debate ensued.

Clause agreed to.

Clauses 22 to 25.

The Minister for Energy, by leave, moved -

Page 24, line 8 — To delete “Part 1A;” and insert —

Part 2;

Page 24, after line 8 — To insert —

**Director** means the Director of Energy Safety referred to in the *Energy Coordination Act 1994* section 5;

Page 24, line 21 — To delete “by the Minister”.

Page 25, line 12 — To delete “Coordinator” and insert —

Director

Page 25, line 20 — To delete “Coordinator” and insert —

Director

Page 25, line 21 — To delete “Coordinator,” and insert —

Director,

Page 26, line 7 — To delete “Coordinator” and insert —

Director

Page 26, line 18 — To delete “Coordinator” and insert —

Director

Page 26, line 20 — To delete “Coordinator” and insert —

Director

Amendments - put and passed.

Debate ensued.

Clauses 22 to 25, as amended, agreed to.

Clauses 26 and 27 agreed to.

Clause 28.

Debate ensued.

Clause agreed to.

Clauses 29 to 31 agreed to.

Clause 32.

Debate ensued.

Clause agreed to.

Clause 33.

Hon Robin Chapple moved -

Page 31, line 9 — To delete “10” and insert —

## 5

Amendment - put and negatived.

Clause 33 agreed to.

Clauses 34 to 36 agreed to.

Clause 37.

Debate ensued.

Clause - put and negatived.

New Clause 37.

The Minister for Energy moved -

Page 34, after line 8 — To insert —

### **37. Act amended**

This Division amends —

- (a) if this section comes into operation before the day on which the *National Gas Access (WA) Act 2009* section 26 comes into operation — the *Gas Pipelines Access (Western Australia) Act 1998*; or
- (b) otherwise — the *Gas Pipelines Access (Western Australia) Act 1998* (as amended by the *National Gas Access (WA) Act 2009* and cited as the *Energy Arbitration and Review Act 1998*).

Amendment - put and passed.

New clause 37 agreed to.

Clause 38 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

Ordered - That consideration of the Committee's Report be made an Order of the Day for the next sitting.

**9. Bush Fires Amendment Bill 2009**

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

Debate resumed.

*Interruption of Debate* [SO 61(b)].

**10. Busselton Water Board (Supply of Water to Dunsborough) Bill 2009**

The Deputy President reported the receipt of Message No. 60 from the Legislative Assembly forwarding the Bill for concurrence.

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

Debate stands adjourned.

**11. Racing and Wagering Legislation Amendment Bill 2009**

The Deputy President reported the receipt of Message No. 61 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Racing and Gaming moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House representing the Minister for Racing and Gaming moved, That the Bill be now read a second time.

Debate stands adjourned.

**12. Racing Bets Levy Bill 2009**

The Deputy President reported the receipt of Message No. 62 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Racing and Gaming moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House representing the Minister for Racing and Gaming moved, That the Bill be now read a second time.

Debate stands adjourned.

**13. Bookmakers Betting Levy Amendment Bill 2009**

The Deputy President reported the receipt of Message No. 63 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Racing and Gaming moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House representing the Minister for Racing and Gaming moved, That the Bill be now read a second time.

Debate stands adjourned.

**14. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.51pm until Thursday, 22 October 2009 at 11.00am.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Alyssa Hayden.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council