

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 67

TUESDAY, 24 NOVEMBER 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. Messages from His Excellency the Governor - Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills -

17 November 2009 - Message No. 77	Act No.
Bush Fires Amendment Bill 2009	25 of 2009
Criminal Code Amendment (Graffiti) Bill 2009	26 of 2009
First Home Owner Grant Amendment Bill 2009	27 of 2009
23 November 2009 - Message No. 78	Act No.
Bookmakers Betting Levy Amendment Bill 2009	28 of 2009
Racing and Wagering Legislation Amendment Bill 2009	29 of 2009
Racing Bets Levy Bill 2009	30 of 2009
Busselton Water Board (Supply of Water to Dunsborough) Bill 2009	31 of 2009

3. Petitions

Hon Sue Ellery presented a petition from 357 petitioners requesting the Legislative Council support the Redress WA Scheme. (Tabled paper 1563).

Hon Helen Bullock presented a petition from 1004 petitioners requesting the Legislative Council oppose euthanasia. (Tabled paper 1564).

4. Ministerial Statement - 2009 Australian Training Awards

The Minister for Training and Workforce Development made a Ministerial Statement with respect to Western Australian achievements at the 2009 Australian Training Awards .

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

5. Ministerial Statement - Boorabin National Park Fire - Coronial Inquest

The Minister for Environment made a Ministerial Statement with respect to the Boorabin bushfires and the Coroner's record of investigation in relation to the resulting deaths.

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

6. Ministerial Statement - Dolphin Deaths - Swan Canning Rivers and Bunbury

The Minister for Environment made a Ministerial Statement with respect to further action taken by the Government to address the death of dolphins in the Swan Canning Rivers and the Bunbury inner waters areas.

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 -

Minister for Transport on behalf of the Leader of the House

Regulations -

Liquor Control Act 1988 (Liquor Control Amendment Regulations (No. 7) 2009 G.G. 20/11/2009).... 1551

Minister for Transport

Regulations -

Shipping and Pilotage Act 1967 (Navigable Waters Amendment Regulations (No. 3) 2009 G.G. 17/11/2009)..... 1552

Western Australian Marine Act 1982 (Western Australian Marine (Infringements) Amendment Regulations 2009 G.G. 17/11/2009)..... 1553

Minister for Energy

Local Laws -

Local Government Act 1995 (Shire of Serpentine Jarrahdale Dust and Sand Local Law 2008 G.G. 16/11/2009)..... 1554

Regulations -

Local Government Act 1995 (Local Government (Administration) Amendment Regulations 2009 G.G. 20/11/2009 and Local Government (Functions and General) Amendment Regulations 2009 G.G. 20/11/2009) 1555

Minister for Environment on behalf of the Minister for Child Protection

Ministerial Approvals -

East Perth Redevelopment Act 1991 - Amalgamation and Subdivision of Lots Nos 301 and 1192 Wellington Street Perth 1556

East Perth Redevelopment Act 1991 - Amalgamation of Lots Nos 1279 and 1280 William Street Northbridge..... 1557

Subiaco Redevelopment Act 1994 - Subdivision of Lot No. 9008 Harborne Street and the Amalgamation of the Subdividing Portion with Lot No. 200 Price Street Subiaco 1558

Parliamentary Secretary representing the Attorney General

Response to Reports -

Standing Committee on Legislation - Standardisation of Formatting Bill 2009 (WA)
(Report No. 15) (Attorney General)..... 1559

Parliamentary Secretary representing the Treasurer

Annual Reports -

Council of Official Visitors (2008-2009) (Date received 23/11/2009) 1560

Regulations -

Land Tax Assessment Act 2002 (Land Tax Assessment Amendment Regulations 2009
G.G. 17/11/2009)..... 1561

Reports -

Treasury Corporation - Statement of Corporate Intent (2009-2010)..... 1562

8. Standing Committee on Public Administration - Special Report - Resolution of the Committee to meet during the suspension of the sitting at the lunch break of the Thursday, 26 November 2009 sitting

Hon Max Trenorden presented a Special Report of the Standing Committee on Public Administration in relation to a resolution of the Committee to meet during the suspension of the sitting at the lunch break of the Thursday, 26 November 2009 sitting. (Tabled paper 1565).

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

Question - put and passed.

9. Matter of Urgency - Boorabin National Park Fire - Coronial Inquest

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, the Environment Minister's acquiescence to the Department of Environment and Conservation's cover-up and denial in the aftermath of the Boorabin bushfire and her failure to provide leadership to the Department and accountability to the public.

Yours sincerely

Hon Sally Talbot

Member for South West Region

Four members having risen in support.

Hon Sally Talbot moved the motion.

Debate ensued.

Motion lapsed.

10. Order of Business

Ordered - That Orders of the Day Nos 1, *Perth Parking Management Amendment Regulations (No. 2) 2009 - Disallowance*, 2, *Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment (No. 2) 2009 - Disallowance*, and 3, *Metropolitan Region Scheme Amendment No. 1114/33 - Jandakot Structure Plan, Cell 1 - Mandogalup - Disallowance*, be taken after Order of the Day No. 11, *Criminal Investigation Amendment Bill 2009*. (Minister for Transport).

11. Partial Revocation of State Forest Nos 4 and 65

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 4 and 65 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.

On the motion of Hon Sally Talbot the debate was adjourned to a later stage of this day's sitting.

12. Police Amendment Bill 2009

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

Debate ensued.

13. Questions Without Notice

Questions without notice were taken.

The Minister for Environment tabled, and by leave incorporated into Hansard, documents in relation to the Department of Environment and Conservation, details of various positions in the Waste Management Branch (19 November 2008 to 19 November 2009), in response to a question without notice asked by Hon Sally Talbot. (Tabled paper 1566).

The Minister for Transport tabled documents in relation to the Public Transport Authority - Central North-East Corridor Public Transport Strategy Final Report (Parsons Brinkerhoff), in response to question on notice No. 1200 asked by Hon Ken Travers. (Tabled paper 1567).

The Minister for Energy tabled documents in relation to details of the average residential electricity bill issued by Synergy in various suburbs (August 2008 - September 2009), in response to question on notice No. 1285 asked by Hon Kate Doust. (Tabled paper 1568).

The Parliamentary Secretary representing the Minister for Housing and Works tabled documents in relation to details of Homeswest Properties in the Regions, in response to question on notice No. 1275 asked by Hon Robin Chapple. (Tabled paper 1569).

14. Police Amendment Bill 2009

Debate resumed on the second reading of this Bill (cf item 12 above).

On the motion of the Minister for Transport the debate was adjourned to a later stage of this day's sitting.

15. Order of Business

Ordered - That consideration, in Committee, of Order of the Day No. 30, *Partial Revocation of State Forest Nos 4 and 65*, be now taken. (Minister for Transport).

16. Partial Revocation of State Forest Nos 4 and 65

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

The Deputy President left the Chair.

In Committee

(Hon Max Trenorden in the Chair)

Debate resumed on the motion of the Minister for Environment as follows -

That the proposal for the partial revocation of State Forest Nos 4 and 65 laid on the Table of the Legislative Council on Tuesday, 10 November 2009 be carried out, and invites the Legislative Assembly to agree to a similar resolution.

Debate ensued.

Question - put and passed.

The Deputy President resumed the Chair.

The Deputy Chairman reported, That the Committee of the Whole House had considered Order of the Day No. 30, *Partial Revocation of State Forest Nos 4 and 65*, and had agreed to same.

Report adopted.

Legislative Assembly acquainted accordingly.

17. Order of Business

Ordered - That Order of the Day No. 10, *Acts Amendment (Weapons) Bill 2009*, be taken forthwith. (Minister for Energy).

18. Acts Amendment (Weapons) 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.

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

The Minister for Training and Workforce Development moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

19. Order of Business

Ordered - That Order of the Day No. 7, *Police Amendment Bill 2009*, be taken forthwith. (Minister for Training and Workforce Development).

20. Police 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)].

21. Rail Safety Bill 2009

The President reported the receipt of Message No. 72 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Transport moved, That the Bill be now 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 and the Bill referred to the Standing Committee on Uniform Legislation and Statutes Review.

22. Special Adjournment

The Minister for Transport moved, without notice -

That the House at its rising adjourn until Wednesday, 25 November 2009 at 2.00pm.

Question - put and passed.

23. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.41pm until Wednesday, 25 November 2009 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Adele Farina, Hon Jon Ford and Hon Norman Moore.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council