

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 64

TUESDAY, 17 NOVEMBER 2009

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### 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 - Petition for Relief - Mr Dominic Manganaro

The President ruled as follows -

Pursuant to Standing Order 134(f) I make the following ruling regarding the petition praying for relief, presented by Hon Nigel Hallett on Thursday, 12 November 2009. The petition by Mr Dominic Manganaro does allege that a Member of the Legislative Council has in the course of a proceeding attributed to the petitioner statements that are denied by the petitioner and therefore I direct the petition to the Standing Committee on Environment and Public Affairs.

### 3. Petition

Hon Helen Morton presented a petition from 1011 petitioners requesting the Legislative Council oppose euthanasia. (Tabled paper 1525).

### 4. Ministerial Statement - Ministry Change

The Leader of the House made a Ministerial Statement with respect to changes to the Government Ministry effective 17 November 2009.

The Leader of the House tabled a document outlining the new Ministry and Ministers Representation in the Legislative Council - Allocation of Portfolios as at 17 November 2009. (Tabled paper 1526).

### 5. Ministerial Statement - Strategic Energy Initiative 2030

The Minister for Energy made a Ministerial Statement with respect to the development of the *Strategic Energy Initiative 2030* to provide for a long term energy vision for Western Australia.

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

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

The Minister for Environment made a Ministerial Statement with respect to dolphins that have died between June and October 2009 in the Swan Canning Riverpark.

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 -

### **President**

#### *Reports -*

Corruption and Crime Commission - Report on the Investigation into Allegations of Misconduct by Councillors or Employees of the City of Bayswater (13 November 2009) (Deemed tabled 13/11/2009).....	1514
Corruption and Crime Commission - Report on the Investigation of Alleged Public Sector Misconduct in Connection with the Activities of Lobbyists and Other Persons - A Ministerial Decision in Relation to Applications for a Mining Tenement at Yeelirrie (Deemed tabled 16/11/2009) .....	1515

### **Minister for Transport**

#### *Regulations -*

Occupational Therapists Act 2005 (Occupational Therapists Amendment Regulations (No. 3) 2009 G.G. 13/11/2009) .....	1516
Road Traffic Act 1974 (Road Traffic Code Amendment Regulations 2009 G.G. 13/11/2009, Road Traffic Code Amendment Regulations (No. 4) 2009 G.G. 13/11/2009 and Road Traffic (Infringements) Amendment Regulations 2009 G.G. 13/11/2009).....	1517
Western Australian Marine Act 1982 (Western Australian Marine (Infringements) Amendment Regulations (No. 2) 2009 G.G. 13/11/2009).....	1518

### **Minister for Energy**

#### *Local Laws -*

Dog Act 1976 (Shire of Gnowangerup Dogs Amendment Local Law 2009 G.G. 10/11/2009).....	1519
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#### *Regulations -*

School Education Act 1999 (School Education Amendment Regulations 2009 G.G. 13/11/2009) .....	1520
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### **Minister for Child Protection**

#### *Ministerial Approvals -*

Armadale Redevelopment Act 2001 - To enter into an agreement of value over \$1 million - Western Australian Land Authority [LandCorp].....	1521
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### **Minister for Environment**

#### *Annual Reports -*

Marine Parks and Reserves Authority (2008-2009) (Date received 12/11/2009).....	1522
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#### *Response to Reports -*

Government Response to the Standing Committee on Environment and Public Affairs (Report No. 16) - Municipal Waste Management in Western Australia (October 2009) .....	1523
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### **Parliamentary Secretary representing the Treasurer**

#### *Regulations -*

Real Estate and Business Agents Act 1978 (Real Estate and Business Agents (General) Amendment Regulations (No. 5) 2009 G.G. 10/11/2009).....	1524
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**8. Standing Committee on Procedure and Privileges - Twentieth Report - Administering the Oath or Affirmation to Witnesses in Committee Proceedings**

Hon Matt Benson-Lidholm presented the Twentieth Report of the Standing Committee on Procedure and Privileges in relation to *Administering the Oath or Affirmation to Witnesses in Committee Proceedings*. (Tabled paper 1527).

Hon Matt Benson-Lidholm moved, That the Report do lie upon the Table and be printed and be adopted and agreed to.

On the motion of Hon Michael Mischin the debate was adjourned to the next sitting.

**9. Standing Committee on Public Administration - Special Report - Inquiry into Western Australian Strata Managers**

Hon Max Trenorden presented a Special Report of the Standing Committee on Public Administration in relation to a resolution of the Committee on 11 November 2009 to commence an inquiry into *Western Australian Strata Managers*. (Tabled paper 1528).

Hon Max Trenorden moved, That the Report do lie upon the Table.

Question - put and passed.

**10. Metropolitan Region Scheme Amendment No. 1114/33 - Jandakot Structure Plan, Cell 1 - Mandogalup - Disallowance**

Hon Lynn MacLaren: To move on the next day of sitting -

That the *Metropolitan Region Scheme Amendment No. 1114/33 - Jandakot Structure Plan, Cell 1 - Mandogalup* published in the *Gazette* on 23 September 2009 and tabled in the Legislative Council on 24 September 2009 under the *Planning and Development Act 2005*, be and is hereby disallowed.

**11. Approvals and Related Reforms (No. 2) (Mining) Bill 2009**

The Minister for Mines and Petroleum: To move on the next day of sitting -

That a Bill for "An Act to amend the *Mining Act 1978* and for related purposes." be introduced and read a first time.

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

The Minister for Child Protection: To move on the next day of sitting -

That a Bill for "An Act to amend the *Working with Children (Criminal Record Checking) Act 2004* and the *Spent Convictions Act 1988*." be introduced and read a first time.

**13. Approvals and Related Reforms (No. 1) (Environment) Bill 2009**

The Minister for Environment: To move on the next day of sitting -

That a Bill for "An Act to amend the *Environmental Protection Act 1986* and for related purposes." be introduced and read a first time.

**14. Matter of Urgency - Dolphin Deaths - Swan and Canning Rivers**

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 Government's failure to respond adequately to the community's distress over the recent deaths of six Swan River dolphins, its failure to provide adequate reassurance about the presence of dieldrin and other heavy metal toxins in the bodies of the Swan River dolphins

and its failure to put in place any credible plan to protect both the dolphins and the Swan River.

Yours sincerely

Hon Sally Talbot

Member for South West Region

Four members having risen in support.

Hon Sally Talbot moved the motion.

Debate ensued.

Hon Sally Talbot, by leave, tabled a document containing a picture of a dolphin allegedly affected by the presence of dieldrin and other heavy metal toxins in the Swan River. (Tabled paper 1529).

Motion lapsed.

### **15. Motions made Orders of the Day**

The Leader of the House moved, without notice -

That Motions Nos 17, *Partial Revocation of State Forest Nos 2, 12, 16, 38, 55 and 57*, 18, *Partial Revocation of State Forest Nos 4 and 65*, 19, *Partial Revocation of State Forest Nos 22, 23 and 25*, and 20, *Partial Revocation of State Forest Nos 22 and 38*, be made Orders of the Day for the next day's sitting.

Debate ensued.

Question - put and passed.

### **16. Order of Business**

Ordered - That Orders of the Day Nos 1, *Perth Parking Management Amendment Regulations (No. 2) 2009 - Disallowance*, and 2, *Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment (No. 2) 2009 - Disallowance*, be taken after Order of the Day No. 27, *Joint Standing Committee on Audit*. (Leader of the House).

### **17. Cognate Debate - Racing and Wagering Legislation Amendment Bill 2009, Racing Bets Levy Bill 2009 and Bookmakers Betting Levy Amendment Bill 2009**

The Leader of the House sought leave of the House to debate Order of the Day No. 10, *Racing and Wagering Legislation Amendment Bill 2009*, Order of the Day No. 11, *Racing Bets Levy Bill 2009*, and Order of the Day No. 12, *Bookmakers Betting Levy Amendment Bill 2009* cognately [SO 228].

Leave granted.

### **18. Racing and Wagering Legislation Amendment Bill 2009, Racing Bets Levy Bill 2009 and Bookmakers Betting Levy Amendment Bill 2009**

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills.

Debate ensued.

### **19. Questions Without Notice**

Questions without notice were taken.

The Leader of the House representing the Minister for Sport and Recreation tabled documents in relation to details of all monies allocated to indigenous sport participation in 2008-09, in response to question on notice No. 1238 asked by Hon Ken Travers. (Tabled paper 1530).

The Minister for Energy tabled, and by leave incorporated into Hansard, an answer in relation to Synergy's billing cycle for domestic energy use, in response to a question without notice asked by Hon Kate Doust. (Tabled paper 1531).

The Minister for Energy tabled, and by leave incorporated into Hansard, documents in relation to the installation of smart meters to residential customers in the South West Interconnected System (SWIS), in response to a question without notice asked by Hon Kate Doust. (Tabled paper 1532).

The Minister for Energy tabled, and by leave incorporated into Hansard, documents in relation to retail gift vouchers purchased by Synergy in the past six months, in response to a question without notice asked by Hon Kate Doust. (Tabled paper 1533).

The Minister for Environment tabled the *2008 Dalyellup Annual Assessment Report*, in response to question on notice No. 1259 asked by Hon Giz Watson. (Tabled paper 1534).

The Minister for Child Protection representing the Minister for Agriculture and Food tabled documents in relation to the Review of the Attempt to keep Western Australia Free of Starlings (*Sturnus Vulgaris*) (By John Parkes), in response to question on notice No. 1314 asked by Hon Giz Watson. (Tabled paper 1535).

The Minister for Child Protection representing the Minister for Planning tabled documents in relation to the State Government Report on the *Preliminary Draft Jandakot Airport Master Plan*, in response to question on notice No. 1266 asked by Hon Lynn MacLaren. (Tabled paper 1536).

**20. Racing and Wagering Legislation Amendment Bill 2009, Racing Bets Levy Bill 2009 and Bookmakers Betting Levy Amendment Bill 2009**

Cognate debate resumed on the second reading of these Bills (cf item 18 above).

Question - put and passed.

Bills read a second time.

Leave was granted to proceed forthwith to the third reading of these Bills.

The Leader of the House moved, That the Bills be now read a third time.

Question - put and passed.

Bills read a third time and passed.

**21. Busselton Water Board (Supply of Water to Dunsborough) 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 Parliamentary Secretary representing the Minister for Water moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

**22. Waste Avoidance and Resource Recovery Amendment Bill 2009**

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

Debate resumed.

On the motion of the Leader of the House the debate was adjourned to a later stage of this day's sitting.

**23. Arson Legislation Amendment Bill 2009 - Suspension of Standing Orders**

The Leader of the House moved, without notice -

That -

- (1) The House directs the Standing Committee on Uniform Legislation and Statutes Review to report the *Arson Legislation Amendment Bill 2009* to the House by Thursday, 19 November 2009; and

- (2) Standing Order 230A(2) be suspended for the purposes of the *Arson Legislation Amendment Bill 2009*.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

## **24. Order of Business**

Ordered - That Order of the Day No. 3, *Waste Avoidance and Resource Recovery Amendment Bill 2009*, be taken forthwith. (Leader of the House).

## **25. Waste Avoidance and Resource Recovery 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)].

## **26. Criminal Investigation Amendment Bill 2009**

The Deputy President reported the receipt of Message No. 66 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.

## **27. Higher Education Amendment Bill 2009**

The Deputy President reported the receipt of Message No. 67 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

## **28. Gas Supply (Gas Quality Specifications) Bill 2009**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 68

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Gas Supply (Gas Quality Specifications) Bill 2009*.

Mr M.W. Sutherland

Deputy Speaker

Legislative Assembly Chamber

Perth, 17 November 2009

**29. Special Adjournment**

The Leader of the House moved, without notice -

That the House at its rising adjourn until Wednesday, 18 November 2009 at 2.00pm.

Question - put and passed.

**30. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.32pm until Wednesday, 18 November 2009 at 2.00pm.

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

Attendance: Present all Members except Hon Ken Travers.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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