

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 91

WEDNESDAY, 26 MAY 2010

1. Meeting of Council

The Council assembled at 2.00pm pursuant to Temporary Orders.

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

2. Message from His Excellency the Governor - Assent to Bill

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill -

25 May 2010 - Message No. 99

Act No.

Aboriginal Housing Legislation Amendment Bill 2009

6 of 2010

3. Petitions

Hon Sally Talbot presented a petition from 60 petitioners requesting the Legislative Council take immediate action to stop emissions from Cockburn Cement Ltd, Munster. (Tabled paper 2074).

Hon Ken Travers presented a petition from 501 petitioners requesting the Legislative Council review the Gngara Sustainability Strategy in relation to the rezoning of the underground water pollution control area in Pinjar South. (Tabled paper 2075).

4. Paper

The following Paper was laid on the Table by -

Minister for Child Protection

Ministerial Approvals -

Armadale Redevelopment Act 2001 - To enter into an agreement of value over
\$1 million - Forrestdale Business Park..... 2073

5. Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations 2010 - Disallowance

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

That the *Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations 2010* published in the *Gazette* on 26 March 2010 and tabled in the Legislative Council on 30 March 2010 under the *Retail Trading Hours Act 1987*, be and are hereby disallowed.

6. Lobbyists Register

Motion No. 1 having been called, Hon Ljiljanna Ravlich, pursuant to notice, moved -

That this House condemns the Premier for breaking a key election commitment on accountability by not introducing legislation to create a public register for lobbyists in his first 100 days of government, and calls on the Premier to explain –

- (a) why he has not met this commitment and when will he introduce legislation to create a public register for lobbyists;
- (b) how the proposed legislation will be applied to different classes of lobbyists, consultants, consultant-lobbyists, in-house corporate consultants and in-house lobbyists employed by organizations;
- (c) what are the registration requirements for lobbyists before being permitted to be on the register -
 - (i) business registration details;
 - (ii) names of owners;
 - (iii) partner and major shareholders; and
 - (iv) names and positions of those employed and the names of their clients;
- (d) what is the set of principles of ethical conduct relating to a lobbyist before being placed on the register;
- (e) what will be the reporting requirements of lobbyists, including but not limited to -
 - (i) what has to be reported;
 - (ii) when it has to be reported;
 - (iii) who will lobbyists be required to report to; and
 - (iv) whether or not any lobbyists will be banned from being placed on the register and who they might be;
- (f) the means by which a lobbyist can be removed from the Register;
- (g) the appeal mechanisms for a lobbyist who is removed from the register; and
- (h) the frequency that the code will be reviewed and who will have the responsibility for such a function.

Debate ensued.

Interruption pursuant to Temporary Orders.

7. Consideration of Committee Reports and Ministerial Statements

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements.

In Committee

(Hon Jon Ford in the Chair)

Standing Committee on Legislation - Fourteenth Report - Inquiry into the Jurisdiction and Operation of the State Administrative Tribunal

Debate resumed on the motion of Hon Ken Baston, That the Report be noted.

8. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier tabled, and by leave incorporated into Hansard, a copy of a Tourism WA e-Newsletter inviting subscribers to provide comment on future opportunities for tourism in Western Australia, in response to a question without notice asked by Hon Adele Farina. (Tabled paper 2076).

9. Consideration of Committee Reports and Ministerial Statements

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements.

In Committee

(Hon Jon Ford in the Chair)

Standing Committee on Legislation - Fourteenth Report - Inquiry into the Jurisdiction and Operation of the State Administrative Tribunal

Debate resumed on the motion of Hon Ken Baston, That the Report be noted.

Question - put and passed.

Joint Standing Committee on Delegated Legislation - Thirty-Fourth Report - City of Joondalup Cats Local Law 2008

Debate resumed on the motion of Hon Giz Watson, That the Report be noted.

Question - put and passed.

Kimberley Science and Conservation Strategy - Ministerial Statement

Hon Sally Talbot moved, That the Ministerial Statement be noted.

Interruption pursuant to Temporary Orders.

The Deputy President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee of the Whole House had considered the -

- (1) Standing Committee on Legislation - Fourteenth Report - Inquiry into the Jurisdiction and Operation of the State Administrative Tribunal and had noted same.
- (2) Joint Standing Committee on Delegated Legislation - Thirty-Fourth Report - City of Joondalup Cats Local Law 2008 and had noted same.
- (3) Kimberley Science and Conservation Strategy - Ministerial Statement, made progress, and asked leave to sit again.

Report adopted.

10. Order of Business

Ordered - That Orders of the Day Nos 1, *Agriculture and Related Resources Protection (European House Borer) Amendment Regulations 2010 - Disallowance*, 2, *Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations (No. 2) 2009 - Disallowance*, 3, *State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2009 - Disallowance*, 4, *State Trading Concerns (Authorisation) Amendment Regulations 2009 - Disallowance*, 5, *City of Albany Parking and Parking Facilities Local Law 2009 - Disallowance*, 6, *State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2009 - Disallowance*, 7, *City of Gosnells Animals, Environment and Nuisance Local Law 2009 - Disallowance*, 8, *Shire of Busselton Dust and Building Waste Control Local Law 2009 - Disallowance*, and 9, *Mining Amendment Regulations 2009 - Disallowance*, be taken after Order of the Day No. 15, *Petroleum and Energy Legislation Amendment Bill 2009*. (Leader of the House).

11. Rail Safety Bill 2009

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Leader of the House moved, That the report be adopted.

Question - put and passed.

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

12. Criminal Code Amendment (Identity Crime) Bill 2009

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

The Deputy President left the Chair.

In Committee

(Hon Helen Morton in the Chair)

Clause 1.

Debate ensued.

The Parliamentary Secretary representing the Attorney General, by leave, tabled and incorporated into Hansard letters from the Attorney General to the Standing Committee on Uniform Legislation and Statutes Review and to the Clerk Assistant (Committees). (Tabled paper 2077).

Clause agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Debate ensued.

Hon Giz Watson moved -

Page 4, line 9 — To delete “7” and insert —

5

Debate ensued.

Amendment - put and negatived.

Debate resumed.

The Parliamentary Secretary representing the Attorney General moved -

Page 6, after line 32 — To insert —

(6A) A court, for good reason and either on its own initiative or on an application made by the prosecutor, may cancel a certificate it has issued under this section.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with an amendment.

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

13. Appropriation (Consolidated Account) Recurrent 2007-08 and 2008-09 (Supplementary) Bill 2009 and Appropriation (Consolidated Account) Capital 2007-08 and 2008-09 (Supplementary) Bill 2009

The Orders of the Day for the further consideration of these Bills, in Committee, having been read.

The Deputy President left the Chair.

In Committee

(Hon Michael Mischin in the Chair)

Appropriation (Consolidated Account) Recurrent 2007-08 and 2008-09 (Supplementary) Bill 2009

Postponed Clause 3.

Debate resumed.

Clause agreed to.

Schedule 1 agreed to.

Schedule 2 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Appropriation (Consolidated Account) Recurrent 2007-08 and 2008-09 (Supplementary) Bill 2009 - Bill reported without amendment.

Appropriation (Consolidated Account) Capital 2007-08 and 2008-09 (Supplementary) Bill 2009 - Bill reported without amendment.

The Parliamentary Secretary representing the Treasurer moved, That the report be adopted.

Question - put and passed.

The Parliamentary Secretary representing the Treasurer moved, That the *Appropriation (Consolidated Account) Recurrent 2007-08 and 2008-09 (Supplementary) Bill 2009* be now read a third time.

The Deputy President having reported that the Deputy 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.

Question - put and passed.

Bill read a third time and passed.

The Parliamentary Secretary representing the Treasurer moved, That the *Appropriation (Consolidated Account) Capital 2007-08 and 2008-09 (Supplementary) Bill 2009* be now read a third time.

The Deputy President having reported that the Deputy 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.

Question - put and passed.

Bill read a third time and passed.

14. Petroleum and Energy Legislation Amendment 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.

Ordered - That consideration of the Bill, in Committee, be made an Order of the Day for the next sitting.

15. Order of Business

Ordered - That Members' Statements be now taken. (Leader of the House).

16. Members' Statements

Statements were taken.

17. Adjournment

The House adjourned at 10.04pm until Thursday, 27 May 2010 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Simon O'Brien.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council