

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 214

WEDNESDAY, 13 JUNE 2012

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

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

2. Petition

Hon Robin Chapple presented a petition from 79 petitioners requesting that the Legislative Council consider rejecting the proposed amendments to the *Aboriginal Heritage Act 1972*. (Tabled Paper 4605).

3. Ministerial Statement — Corrective Measures to Avoid Delays in Building Approvals

The Minister for Commerce made a Ministerial Statement with respect to the implementation of new regulations to serve as a temporary corrective measure to avoid delays in building approvals.

4. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Pharmaceuticals: Purchase and Management of Pharmaceuticals in Public Hospitals
(Report No. 7) (June 2012) 4595

Leader of the House

Regulations —

Public Sector Management Act 1994 — (Public Sector Management (General) Amendment
Regulations (No. 2) 2012 G.G. 05/06/2012) 4596

Minister for Finance

Regulations —

Transport Co-ordination Act 1966 — (Transport (Country Taxi-car) Amendment Regulations
2012 G.G. 05/06/2012 and Transport Co-ordination Amendment Regulations (No. 2) 2012
G.G. 05/06/2012) 4597

Taxi Act 1994 — (Taxi Amendment Regulations 2012 G.G. 05/06/2012) 4598

Housing Act 1980 — (Housing Amendment Regulations 2012 G.G. 05/06/2012) 4599

Minister for Energy

Regulations —

Electricity Industry Act 2004 — (Electricity Industry (Wholesale Electricity Market) Amendment
Regulations (No. 2) 2012 G.G. 05/06/2012) 4600

Minister for Mental Health*By-laws —*

Planning and Development Act 2005 — (Town Planning (Buildings) Uniform General
Amendment By-laws 2012 G.G. 05/06/2012) 4601

Leases —

CALM Lease No. 2346/100 — Between CALM and Kimberly Wilderness
Adventures Pty Ltd for Mt Hart Wilderness Lodge King Leopold Ranges
Conservation Park..... 4602

CALM Lease No. 2335/97 — Between CALM and Murray Districts Carriage Driving
Club Inc. for the purpose of Equestrian, Recreation and purposes incidental
thereto within a portion of State Forest No. 23 4603

Parliamentary Secretary representing the Minister for Justice*Regulations —*

Fines, Penalties and Infringement Notices Enforcement Act 1994 — (Fines, Penalties and
Infringement Notices Enforcement Amendment Regulations (No. 3) 2012 G.G. 08/06/2012)..... 4604

5. Form of Prayer

Hon Sally Talbot: To move on the next day of sitting —

That a revised form of Prayer, as contained in the Appendix to this motion, be adopted by the
Council.

Appendix

Almighty God, we ask for your blessing upon this Legislative Council. Direct and prosper our
deliberations to the true welfare of Western Australia and its people. *Amen.*

**6. Joint Standing Committee on the Commissioner for Children and Young People —
Appointment of Member**

Hon Sue Ellery moved, without notice —

That Hon Linda Savage be appointed as a Member of the Joint Standing Committee on the
Commissioner for Children and Young People.

Question — put and passed.

7. Unconventional Gas Exploration and Mining — Moratorium

Motion No. 1 having been called, Hon Alison Xamon continued her introductory remarks in moving
the motion as follows —

That this Council demands that the Government place a moratorium on all unconventional gas
exploration and mining in Western Australia until such time as it can be assured that such
activities will —

- (1) Have no impact on local land users, including —
 - (a) no reduction of available agricultural land;
 - (b) no reduction in local groundwater levels;
 - (c) no saltwater contamination of groundwater;
 - (d) no chemical contamination of groundwater; and
 - (e) no uncontrolled methane leakage from drilled locations.
- (2) Be governed by Government regulations that ensure that —
 - (a) absolute transparency is provided to the public about which chemicals are
used in all unconventional gas drilling and hydraulic fracturing ('fracking')
activities;

- (b) rigorous independent testing is conducted on all chemicals before they are used in unconventional gas exploration, drilling and fracking operations to ensure no adverse impacts on groundwater, human health and the environment; and
- (c) that any liability for contamination of ground water, land or community assets be borne by the company conducting the operations rather than the State and people of Western Australia.

Hon Alison Xamon, by leave, amended her motion as follows —

- (1) To insert (1) after “That this House” in the first line.
- (2) To insert the following paragraph at the end of the motion:
 - (2) Calls on the Minister for Environment to direct the Environmental Protection Agency to thoroughly investigate and review the risks of the hydraulic fracturing technology and to assess all current and future proposals to undertake hydraulic fracturing in Western Australia.

Question — That the motion, as amended, be agreed to.

Debate ensued.

Hon Jon Ford moved to amend the motion, as follows —

Line 1 — To delete all words of the motion after “Government” and insert —

ensure the Environmental Protection Authority has assessed extractive activities associated with unconventional gas exploration to establish there are no unacceptable environmental and social risks associated with these activities

Debate ensued.

Interruption pursuant to order.

8. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Brian Ellis in the Chair)

Standing Committee on Public Administration — Report No. 14 — Unassisted Failure

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

Question — put and passed.

9. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for State Development tabled a document in relation to the statement of the Bauxite Hydrology Committee on the Intermediate Rainfall Zone Trial Mining Project Review by Water and Environmental Consultants, in response to question on notice No. 5500 asked by Hon Alison Xamon. (Tabled Paper 4606).

The Minister for Finance representing the Minister for Transport, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 5450 asked by Hon Robin Chapple will be provided on 21 June 2012.

The Minister for Finance representing the Minister for Housing, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 5513 asked by Hon Alison Xamon will be provided on 21 June 2012.

The Minister for Energy representing the Minister for Police, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 5440 asked by Hon Robin Chapple will be provided on 14 June 2012.

The Minister for Energy representing the Minister for Police, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 5455 asked by Hon Giz Watson will be provided on 14 June 2012.

The Minister for Mental Health tabled a document in relation to the status of the recommendations made by the State Coroner in relation to mental health services, in response to question on notice No. 5198 asked by Hon Ljiljanna Ravlich. (Tabled Paper 4607).

The Minister for Mental Health, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 5441 asked by Hon Adele Farina will be provided on 14 June 2012.

The Minister for Mental Health, in accordance with Standing Order No. 107(2), advised that answers to questions on notice Nos 5471, 5472 and 5473 asked by Hon Ljiljanna Ravlich will be provided on 19 June 2012.

The Minister for Mental Health, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 5529 asked by Hon Linda Savage will be provided on 19 June 2012.

10. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 8 above*).

In Committee

(Hon Brian Ellis in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report No. 24 — The intention of the Parliamentary Inspector of the Corruption and Crime Commission to retire

Debate resumed on the motion of Hon Nick Goiran, That the Report be noted.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report No. 25 — The use of Public Examinations by the Corruption and Crime Commission

Hon Nick Goiran moved, That consideration be postponed until the next sitting.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report No. 26 — Exceptional Powers Revocation

Hon Nick Goiran moved, That the Report be noted.

Question — put and passed.

Joint Standing Committee on the Commissioner for Children and Young People — Report No. 9 — Amendment to Finding 5 and Finding 6 from Report No. 8

Hon Nick Goiran moved, That the Report be noted.

Question — put and passed.

Standing Committee on Environment and Public Affairs — Report No. 25 — Overview of Petitions

Hon Kate Doust moved, That the Report be noted.

Debate ensued.

Question — put and passed.

The Deputy President resumed the Chair.

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

- (1) Standing Committee on Public Administration — Report No. 14 — Unassisted Failure and had noted same.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report No. 24 — The intention of the Parliamentary Inspector of the Corruption and Crime Commission to retire and had noted same.
- (3) Joint Standing Committee on the Corruption and Crime Commission — Report No. 26 — Exceptional Powers Revocation and had noted same.

- (4) Joint Standing Committee on the Commissioner for Children and Young People — Report No. 9 — Amendment to Finding 5 and Finding 6 from Report No. 8 and had noted same.
- (5) Standing Committee on Environment and Public Affairs — Report No. 25 — Overview of Petitions and had noted same.

Report adopted.

11. Order of Business

Ordered — That Orders of the Day Nos 1, *Town of Kwinana Extractive Industries Local Law 2011 — Disallowance*, 2, *Shire of Kellerberrin Parking and Parking Facilities Local Law 2011 — Disallowance*, 3, *Mining Amendment Regulations (No. 5) 2011 — Disallowance*, 4, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 5, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 6, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 7, *Metropolitan Health Service Amendment By-laws (No. 2) 2011 — Disallowance*, 8, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 9, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 10, *Hospitals (Services Charges) Amendment Regulations (No. 7) 2011 — Disallowance*, 11, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 12, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 13, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 14, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 15, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 16, *Liquor Control Amendment Regulations (No. 10) 2011 — Disallowance*, 17, *Children's Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 18, *Civil Judgments Enforcement Amendment Regulations (No. 2) 2011 — Disallowance*, 19, *Coroners Amendment Regulations (No. 2) 2011 — Disallowance*, 20, *District Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 21, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2011 — Disallowance*, 22, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 23, *State Administrative Tribunal Amendment Regulations (No. 5) 2011 — Disallowance*, 24, *Supreme Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 25, *Town of Bassendean Repeal Local Law 2010 — Disallowance*, 26, *Town of Bassendean Dust and Sand Local Law 2011 — Disallowance*, and 27, *City of Busselton Busselton Regional Airport Local Law 2012 — Disallowance*, be taken after Order of the Day No. 39, *Lotteries Commission Amendment Bill 2011*. (Leader of the House).

12. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2012–2013

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Finance representing the Treasurer as follows —

That pursuant to Standing Order No. 68(1) the Legislative Council take note of Tabled Paper No. 4536A–F (2012–2013 Budget Statements), laid upon the Table of the Council on Thursday, 17 May 2012.

Debate resumed.

On the motion of Hon Ken Baston the debate was adjourned to the next sitting.

13. Education and Care Services National Law (WA) Bill 2011

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.

The Deputy President left the Chair.

In Committee

(Hon Michael Mischin in the Chair)

Clause 1.

Debate ensued.
 Clause agreed to.
 Clauses 2 to 10 agreed to.
 Clause 11.
 Debate ensued.
 Clause agreed to.
 Clauses 12 to 54 agreed to.
 Schedule.
 Debate ensued.
 Schedule agreed to.
 Title agreed to.

The Deputy President resumed the Chair.
 Bill reported without amendment.
 Report adopted.
 Leave was granted to proceed forthwith to the third reading of the Bill.
 The Minister for Child Protection moved, That the Bill be read a third time.
 The Deputy President having reported that the Deputy Chairman of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.
 Question — put and passed.
 Bill read a third time and passed.

14. Order of Business

Ordered — That Order of the Day No. 33, *Retail Trading Hours Amendment Bill 2012*, be taken forthwith. (Minister for Finance).

15. Retail Trading Hours Amendment Bill 2012

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 Hon Donna Faragher the debate was adjourned to the next sitting.

16. Order of Business

Ordered — that Members' Statements be taken forthwith. (Minister for Finance).

17. Members' Statements

Statements were taken.

18. Adjournment

The Council adjourned at 10.16pm until Thursday, 14 June 2012 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Nigel Hallett.

MALCOLM PEACOCK
 Clerk of the Legislative Council

HON BARRY HOUSE
 President of the Legislative Council