

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 97

THURSDAY, 24 JUNE 2010

1. Meeting of Council

The Council assembled at 10.00am pursuant to Temporary Orders.

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

2. Statement by President - Parliament House Staff

The President made the following Statement -

I would like to inform Members of a few significant staff retirements from Parliament House. Firstly, the Parliamentary Education Officer, Jane Gray, is retiring. People who know Jane will appreciate the magnificent work that she and her team have done over the years in raising the recognition and educational significance of this institution. I also acknowledge James Sollis, who has been appointed as Parliamentary Education Officer to replace Jane. We wish Jane Gray well in her retirement and thank her for her outstanding contribution to the Parliament.

I also advise Members that our Security Manager, Ken Craig, whom all of you know as the very affable, friendly face of Parliament, is retiring and his last day in the workplace will be tomorrow. Ken is moving on to enjoy a healthy and long retirement. We certainly appreciate his services over the years and wish him well in retirement. We extend our best wishes and thanks to him.

Marilyn David, whom many of you will know from the switchboard, has also announced that she will be retiring. Marilyn has served this institution for well over 20 years in an extremely efficient and friendly manner and has become a friend, confidant and valuable support to many Members and staff over the years. We wish Marilyn all the best in her retirement.

3. Petition

Hon Colin Holt on behalf of Hon Philip Gardiner presented a petition from 201 petitioners requesting the Legislative Council oppose the closure of the Muresk Campus near Northam. (Tabled paper 2182).

4. Ministerial Statement - Square Kilometre Array Project

The Parliamentary Secretary representing the Premier made a Ministerial Statement with respect to the progress of the Australia-New Zealand Square Kilometre Array delegation's bid to host the \$2.5 billion Square Kilometre Array project.

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

5. Standing Committee on Uniform Legislation and Statutes Review - Fifty-Third Report - Pharmacy Bill 2010

Hon Adele Farina presented the Fifty-Third Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Pharmacy Bill 2010*. (Tabled paper 2183).

Hon Adele Farina moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

6. Plastic Shopping Bags (Waste Avoidance) Bill 2010

Non-Government Business No. 1 having been called for the adjourned debate on the second reading of this Bill.

Debate ensued.

Interruption pursuant to Temporary Orders.

7. Order of Business

Ordered - That Orders of the Day Nos 1, *State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2009 - Disallowance*, 2, *State Trading Concerns (Authorisation) Amendment Regulations 2009 - Disallowance*, 3, *Mining Amendment Regulations 2009 - Disallowance*, 4, *Shire of Busselton - Local Government Property Local Law 2010 - Disallowance*, 5, *Shire of Augusta - Margaret River - Cemeteries Local Law 2010 - Disallowance*, 6, *Shire of Augusta - Margaret River - Activities in Thoroughfares and Public Places and Trading Local Law 2010 - Disallowance*, 7, *Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations (No. 2) 2009 - Disallowance*, 8, *Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations 2010 - Disallowance*, and 9, *Shire of Dardanup Standing Orders Local Law 2009 - Disallowance*, be taken after Order of the Day No. 12, *Approvals and Related Reforms (No. 1) (Environment) Bill 2009*. (Leader of the House).

8. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2010-2011

The Order of the Day having been read for the adjourned debate on the motion of the Parliamentary Secretary representing the Treasurer as follows -

That pursuant to Standing Order No. 49(1)(c), the Legislative Council take note of Tabled Paper No. 2044A-H (2010-2011 Budget Statements), laid upon the Table of the House on 20 May 2010.

Debate resumed.

Hon Matt Benson-Lidholm, by leave, tabled a document entitled *Background History of the Geraldton Streetwork Aboriginal Corporation (February 2010)*. (Tabled paper 2184).

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

9. Approvals and Related Reforms (No. 4) (Planning) Bill 2009

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 Matt Benson-Lidholm in the Chair)

Clause 1.

Debate ensued.

The Minister for Child Protection representing the Minister for Planning, by leave, tabled a document containing questions and answers relating to the *Approvals and Related Reforms (No. 4) (Planning) Bill 2009*. (Tabled paper 2185).

Clause agreed to.

Clauses 2 to 9 agreed to.

Clause 10.

The Minister for Child Protection representing the Minister for Planning moved -

Page 6, after line 9 — To insert —

- (3B) Before making a recommendation under subsection (1)(b) in relation to an improvement plan that authorises the making of an improvement scheme to apply to land in the district of a local government, the Commission must consult with the local government.
- (3C) An improvement plan that authorises the making of an improvement scheme must set out the objectives of the improvement scheme.

Debate ensued.

Amendment - put and passed.

The Minister for Child Protection representing the Minister for Planning moved -

Page 6, before line 11 — To insert —

- (3) After section 119(4) insert:
 - (5A) The Minister must, as soon as is practicable after notice in respect of an improvement plan that authorises the making of an improvement scheme is published under subsection (4), cause a copy of the improvement plan to be laid before each House of Parliament or dealt with under section 268A.

Debate ensued.

The Minister for Child Protection representing the Minister for Planning sought leave to amend her amendment as follows -

To delete —

that authorises the making of an improvement scheme

Debate ensued.

Leave granted.

Question - That the amendment to the amendment be agreed to - put and passed.

Amendment, as amended - put and passed.

Debate ensued.

Clause, as amended, agreed to.

10. Questions Without Notice

Questions without notice were taken.

The Minister for Environment tabled documents in relation to the Brookdale Hazardous Waste Treatment Decommissioning Plan, in response to a question without notice asked by Hon Linda Savage. (Tabled paper 2186).

The Minister for Mines and Petroleum tabled documents in relation to the Mines Inspector's Report on the prohibition notice regarding the closure of the OK Mine, in response to question on notice No. 2432 asked by Hon Robin Chapple. (Tabled paper 2187).

The Minister for Transport tabled documents in relation to geographical catchment population figures used for the Western Australian Health Clinical Services Frameworks Report for 2015 and 2020, in response to question on notice No. 2436 asked by Hon Ken Travers. (Tabled paper 2188).

The Minister for Training and Workforce Development tabled documents in relation to the Skill Centre funding application details for 2007-2010, in response to question on notice No. 2420 asked by Hon Ljiljana Ravlich. (Tabled paper 2189).

11. Approvals and Related Reforms (No. 4) (Planning) Bill 2009

The President left the Chair.

In Committee

(Hon Michael Mischin in the Chair)

Clause 11.

The Minister for Child Protection representing the Minister for Planning moved -

Page 7, after line 25 — To insert —

(3A) Before submitting an improvement scheme or amendment to an improvement scheme to the Minister under section 87, the Commission must consult with any affected local government.

(3B) In subsection (3A) —

affected local government means —

- (a) in the case of an improvement scheme — a local government in the district of which the improvement scheme is proposed to apply; and
- (b) in the case of an amendment — a local government in the district of which the improvement scheme applies.

Debate ensued.

Amendment - put and passed.

Hon Lynn MacLaren moved -

Page 7, after line 25 — To insert —

(3A) Subject to subsection (3B), section 56 applies, with such modifications as are necessary, to and in relation to an improvement scheme as if a reference to a scheme or amendment is a reference to an improvement scheme or an amendment to an improvement scheme.

- (3B) Notwithstanding subsection (3A), if a proposed amendment does not, in the opinion of the Commission, constitute a substantial amendment to that improvement scheme, Division 4 applies, with such modifications as are necessary, to and in relation to that amendment as if a reference to an amendment is a reference to an amendment to an improvement scheme.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (12)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Robin Chapple
Hon Sue Ellery
Hon Adele Farina
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Linda Savage
Hon Sally Talbot
Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (17)

Hon Liz Behjat
Hon Peter Collier
Hon Mia Davies
Hon Wendy Duncan
Hon Brian Ellis
Hon Donna Faragher
Hon Nick Goiran
Hon Nigel Hallett
Hon Alyssa Hayden

Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Amendment thus negatived.

Debate ensued.

Clause, as amended, agreed to.

Clauses 12 to 23 agreed to.

Clause 24.

Debate ensued.

Clause agreed to.

Clauses 25 to 32 agreed to.

Clause 33.

Debate ensued.

Clause agreed to.

Clauses 34 to 42 agreed to.

Clause 43.

Hon Sally Talbot moved -

Page 31, lines 5 to 10 — To delete the lines.

Debate ensued.

Amendment - put and passed.

The Minister for Child Protection representing the Minister for Planning moved, That progress be reported and leave asked to sit again.

Question - put and passed.

The President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

12. Members' Statements

Statements were taken.

13. Road Traffic Amendment Bill 2010

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 115

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Road Traffic Amendment Bill 2010*.

Mrs L.M. Harvey
Acting Speaker

Legislative Assembly Chamber
Perth, 23 June 2010

14. Hairdressers Registration (Amendment and Expiry) Bill 2010

The President reported the receipt of Message No. 116 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Commerce 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.

15. Public Sector Reform Bill 2009

The President reported the receipt of Message No. 117 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Premier 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 Premier moved, That the Bill be now read a second time.

Debate stands adjourned.

16. Interpretation and Reprints Amendment Bill 2008

The President reported the receipt of Message No. 118 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a second time.

Debate stands adjourned.

17. Child Pornography and Exploitation Material and Classification Legislation Amendment Bill 2009

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 119

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Child Pornography and Exploitation Material and Classification Legislation Amendment Bill 2009* without amendment.

Ms L.L. Baker

Acting Speaker

Legislative Assembly Chamber

Perth, 24 June 2010

18. Adjournment

The House adjourned at 5.49pm until Tuesday, 29 June 2010 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jon Ford.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council