

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 95

TUESDAY, 22 JUNE 2010

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### 1. Meeting of Council

The Council assembled at 3.00pm pursuant to Temporary Orders.

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

### 2. Petitions

Hon Sally Talbot presented a petition from 100 petitioners requesting the Legislative Council take immediate action to stop emissions from Cockburn Cement Ltd, Munster. (Tabled paper 2159).

Hon Ken Travers presented a petition from 409 petitioners requesting the Legislative Council support the extension of the infill sewerage program to homes in the older residential areas of Quinns Rocks. (Tabled paper 2160).

Hon Ken Travers presented a petition from 49 petitioners requesting the Legislative Council inquire into the adequacy and reliability of bus services in and around Ashby, Tapping, Sinagra, Carramar and Banksia Grove. (Tabled paper 2161).

Hon Adele Farina presented a petition from 5,352 petitioners requesting the Legislative Council institute a Parliamentary inquiry into the proposed chlorination of Busselton's water supply. (Tabled paper 2162).

### 3. Ministerial Statement - Sundance Resources - Deaths of Personnel

The Minister for Mines and Petroleum made a Ministerial Statement with respect to the plane crash deaths of Mining Executives in the Cameroons.

Hon Sue Ellery, by leave, made a brief statement in support of the Ministerial Statement.

Hon Wendy Duncan, by leave, made a brief statement in support of the Ministerial Statement

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

### 4. Ministerial Statement - Metropolitan Region Scheme Amendment No. 1082/33 - Bush Forever and Related Lands

The Minister for Child Protection representing the Minister for Planning made a Ministerial Statement with respect to Metropolitan Region Scheme Amendment No. 1082/33 - Bush Forever and Related Lands.

The Minister for Child Protection representing the Minister for Planning tabled plans in relation to Metropolitan Region Scheme Amendment No. 1082/33 - Bush Forever and Related Lands. (Tabled paper 2163).

The Minister for Child Protection representing the Minister for Planning tabled the Metropolitan Region Scheme Amendment No. 1082/33 - Bush Forever and Related Lands: Report on Submissions, Submissions and Transcripts of Public Hearings. (Tabled paper 2164).

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

## 5. Papers

The following Papers were laid on the Table by -

### **Leader of the House**

#### *Regulations -*

Public Sector Management Act 1994 (Public Sector Management (SES Organisations) Regulations 2010 G.G. 18/06/2010).....	2141
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### **Minister for Transport**

#### *Regulations -*

Marine Navigational Aids Act 1973 (Marine Navigational Aids Amendment Regulations 2010 G.G. 18/06/2010).....	2142
Rail Safety Act 1998 (Rail Safety Amendment Regulations 2010 G.G. 18/06/2010) .....	2143
Transport Co-ordination Act 1966 (Transport Co-ordination Amendment Regulations 2010 G.G. 18/06/2010 and Transport (Country Taxi-car) Amendment Regulations 2010 G.G. 18/06/2010).....	2144
Western Australian Marine Act 1982 (W.A. Marine (Surveys and Certificates of Survey) Amendment Regulations 2010 G.G. 18/06/2010).....	2145

#### *Reports -*

Radiological Council (Year ended 31 December 2009) (Date received 21/06/2010).....	2146
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### **Minister for Energy**

#### *Regulations -*

Firearms Act 1973 (Firearms Amendment (Fees) Regulations 2010 G.G. 18/06/2010).....	2147
Pawnbrokers and Second-hand Dealers Act 1994 (Pawnbrokers and Second-hand Dealers Amendment Regulations 2010 G.G. 18/06/2010).....	2148
Police Act 1892 (Police (Fees) Amendment Regulations 2010 G.G. 18/06/2010).....	2149
Security and Related Activities (Control) Act 1996 (Security and Related Activities (Control) Amendment Regulations 2010 G.G. 18/06/2010).....	2150

### **Minister for Child Protection**

#### *Directions -*

East Perth Redevelopment Act 1991 - Development Application Hub-Realignment and Under grounding of Rail Line and Creation of a new Underground Bus Station .....	2151
Planning and Development Act 2005 - Development Application Hub-Realignment and Under grounding of Rail Line and Creation of a new Underground Bus Station .....	2152

#### *Reports -*

Carers Advisory Council - Partners in Care - Implementation of the Carers Recognition Act 2004 (For the year ending 30 June 2009).....	2153
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**Parliamentary Secretary representing the Treasurer on behalf of the Minister for Environment**

*Local Laws -*

Waste Avoidance and Resource Recovery Act 2007 (Shire of Dowerin Waste Local Law 2010 G.G. 15/06/2010) ..... 2154

**Parliamentary Secretary representing the Minister for Regional Development**

*Regulations -*

Registration of Deeds Act 1856 (Registration of Deeds Amendment Regulations 2010 G.G. 18/06/2010)..... 2155

Strata Titles Act 1985 (Strata Titles General Amendment Regulations 2010 G.G. 18/06/2010) ..... 2156

Transfer of Land Act 1893 (Transfer of Land Amendment Regulations 2010 G.G. 18/06/2010)..... 2157

Valuation of Land Act 1978 (Valuation of Land Amendment Regulations 2010 G.G. 18/06/2010) .... 2158

**6. Standing Committee on Uniform Legislation and Statutes Review - Fifty-Second Report - Health Practitioner Regulation National Law (WA) Bill 2010**

Hon Adele Farina presented the Fifty-Second Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Health Practitioner Regulation National Law (WA) Bill 2010*. (Tabled paper 2165).

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

Question - put and passed.

**7. Recommendation Nos 1 and 2 - Forty-Ninth, Fiftieth and Fifty-First Reports of the Standing Committee on Uniform Legislation and Statutes Review**

Hon Adele Farina: To move on the next day of sitting -

That Recommendation Nos 1 and 2 contained in the Forty-Ninth, Fiftieth and Fifty-First Reports of the Standing Committee on Uniform Legislation and Statutes Review be adopted and agreed to.

**8. Order of Business**

Ordered - That Orders of the Day Nos 1, *Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations (No. 2) 2009 - Disallowance*, 2, *State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2009 - Disallowance*, 3, *State Trading Concerns (Authorisation) Amendment Regulations 2009 - Disallowance*, 5, *Mining Amendment Regulations 2009 - Disallowance*, 6, *Shire of Busselton - Local Government Property Local Law 2010 - Disallowance*, 7, *Shire of Augusta - Margaret River - Cemeteries Local Law 2010 - Disallowance*, 8, *Shire of Augusta - Margaret River - Activities in Thoroughfares and Public Places and Trading Local Law 2010 - Disallowance*, 9, *Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations 2010 - Disallowance*, and 10, *Shire of Dardanup Standing Orders Local Law 2009 - Disallowance*, be taken after Order of the Day No. 12, *Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009*. (Leader of the House).

**9. State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2009 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been called, Hon Robin Chapple moved, without notice -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 4, *State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2009 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

### **10. 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.

### **11. Questions Without Notice**

Questions without notice were taken.

The Minister for Energy tabled, and by leave incorporated into Hansard, documents in relation to average residential electricity bills issued by Synergy for Westfield, Armadale, Kelmsott and Seville Grove, for the billing period of April-May for 2008 to 2010, in response to a question without notice asked by Hon Kate Doust. (Tabled paper 2166).

The Minister for Training and Workforce Development tabled documents in relation to details of improvement notices issued by a Worksafe Inspector at Polytechnic West in 2009, in response to question on notice No. 2374 asked by Hon Ljiljana Ravlich. (Tabled paper 2167).

The Minister for Transport tabled documents in relation to the Taxi Industry Development Account Projects and Programs for 2008 to 2010, in response to question on notice No. 2412 asked by Hon Ken Travers. (Tabled paper 2168).

The Minister for Transport tabled documents in relation to the Department of Transport's list of fees and charges for 2010/11, in response to question on notice No. 2464 asked by Hon Ken Travers. (Tabled paper 2169).

### **12. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2010-2011**

Debate resumed on the motion of Parliamentary Secretary representing the Treasurer (cf item 10 above).

Hon Philip Gardiner, by leave, tabled the document *Royalties for Regions projects funded in the 2010-2011 Budget*. (Tabled paper 2170).

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

### **13. Petroleum and Energy Legislation Amendment Bill 2009**

The Order of the Day having been read for the third reading of this Bill.

The Minister for Mines and Petroleum moved, That the Bill 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. 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.

Hon Sally Talbot moved, without notice -

That the *Approvals and Related Reforms (No. 4) (Planning) Bill 2009* be discharged and referred to the Standing Committee on Legislation for consideration and report not later than Tuesday, 29 June 2010.

Debate ensued.

Hon Lynn MacLaren moved -  
To delete "29 June" and insert —

10 August

Debate ensued.

Amendment - put and negatived.

Question - put.

The House divided.

**Ayes (14)**

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

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

**Noes (19)**

Hon Liz Behjat  
Hon Jim Chown  
Hon Peter Collier  
Hon Mia Davies  
Hon Wendy Duncan  
Hon Phil Edman  
Hon Brian Ellis  
Hon Philip Gardiner  
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*)

Question thus negatived.

Debate resumed.

*Interruption pursuant to Temporary Orders.*

**15. Members' Statements**

Statements were taken.

**16. Grain Marketing Repeal Bill 2010**

The President reported the receipt of Message No. 111 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Child Protection representing the Minister for Agriculture and Food moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Child Protection representing the Minister for Agriculture and Food moved, That the Bill be now read a second time.

Debate stands adjourned.

**17. Standardisation of Formatting Bill 2009**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 112

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Standardisation of Formatting Bill 2009* without amendment.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 22 June 2010

**18. Land Tax Assessment Amendment Bill 2010**

The President reported the receipt of Message No. 113 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister Assisting the Treasurer 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 Minister Assisting the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 2171).

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

Debate stands adjourned.

**19. Adjournment**

The House adjourned at 10.09pm until Wednesday, 23 June 2010 at 2.00pm.

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

Attendance: Present all Members except Hon Donna Faragher.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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