

WESTERN AUSTRALIA

## LEGISLATIVE COUNCIL

---

### MINUTES OF PROCEEDINGS

No. 109

THURSDAY, 9 SEPTEMBER 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. Petitions

Hon Matt Benson-Lidholm presented a petition, by delivery to the Clerk, [SO 130], from 239 petitioners requesting the Legislative Council investigate ways to ensure a competitive rail system in relation to the Tier 3 Narrow Gauge Rail Lines in the Wheatbelt. (Tabled paper 2405).

Hon Ken Travers presented a petition from 4,518 petitioners requesting the Legislative Council review the proposed inclusion of Pinjar South as a priority industrial site in the Industrial Land Strategy 2009 Perth and Peel. (Tabled paper 2406).

#### 3. Joint Standing Committee on the Corruption and Crime Commission - Tenth Report - How the Corruption and Crime Commission can best work together with the Western Australian Police Force to combat Organised Crime

Hon Nick Goiran presented the Tenth Report of the Joint Standing Committee on the Corruption and Crime Commission in relation to How the Corruption and Crime Commission can best work together with the Western Australian Police Force to combat Organised Crime. (Tabled paper 2407).

Hon Nick Goiran moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

#### 4. Standing Committee on Uniform Legislation and Statutes Review - Fifty-Fourth Report - Annual Report 2009

Hon Helen Bullock, on behalf of Hon Adele Farina, presented the Fifty-Fourth Report of the Standing Committee on Uniform Legislation and Statutes Review being the *Annual Report 2009*. (Tabled paper 2408).

Hon Helen Bullock, on behalf of Hon Adele Farina, moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

**5. Shire of Dowerin Waste Local Law 2010 - Disallowance**

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Dowerin Waste Local Law 2010* published in the *Gazette* on 15 June 2010 and tabled in the Legislative Council on 22 June 2010 under the *Waste Avoidance and Resource Recovery Act 2007*, be and is hereby disallowed.

**6. Protection Measures For West Coast Demersal Fin Fish - Withdrawn from Notice Paper**

Hon Jon Ford, by leave, moved, without notice -

That Motion No. 10, *Protection Measures for West Coast Demersal Fin Fish*, be withdrawn from the Notice Paper.

Question - put and passed.

**7. Gnangara Mound - Pinjar South**

Non-Government Business No. 1 having been called, Hon Ken Travers moved, without notice -

That this House calls on the Barnett Government to immediately cease progressing the planning of a new industrial estate on the Gnangara Mound at Pinjar South.

Debate ensued.

Motion lapsed pursuant to Temporary Orders.

**8. Order of Business**

Ordered - That Orders of the Day Nos 1, *Shire of Capel - Keeping and Welfare of Cats Amendment Local Law 2009 - Disallowance*, and 2, *Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2010 - Disallowance*, be taken after Order of the Day No. 4, *Public Sector Reform Bill 2009*. (Minister for Transport).

**9. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2010**

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

The Minister for Training and Workforce Development moved, That the Bill be now read a third time.

The Deputy President having reported that the 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.

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

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

The Deputy President left the Chair.

---

**In Committee**

(Hon Max Trenorden in the Chair)

New Clause 18.

Debate resumed on the amendment moved by Hon Giz Watson as follows -

Page 10, after line 25 — To insert —

**18. Section 122 deleted**

Delete section 122.

Hon Giz Watson moved, That further consideration of New Clause 18 be postponed until a later stage of the consideration of the Bill in committee.

Debate ensued.

Question - put and passed.

Hon Sally Talbot moved -

Page 10, after line 25 — To insert —

**18. Section 122 amended**

After section 122(2) insert:

- (3) Administrative procedures drawn up by the Authority will be subject to the same disallowance provisions as regulations made under section 123 of the *Environmental Protection Act 1986*.

Debate ensued.

*Want of Quorum*

There not being a quorum present, the Chairman of Committees gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

The Minister for Environment, pursuant to Standing Order 47, tabled the Environmental Impact Assessment Administrative Procedures 2010 (August 2010) Final Draft (Version 9). (Tabled paper 2409).

Debate resumed.

The Minister for Environment, pursuant to Standing Order 47, tabled the Environmental Impact Assessment Administrative Procedures 2010 (August 2010) Final Draft (Version 9) (Document 2). (Tabled paper 2410).

Debate resumed.

New Clause - put.

The Committee divided.

**Ayes (12)**

Hon Matt Benson-Lidholm  
 Hon Helen Bullock  
 Hon Robin Chapple  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Jon Ford

Hon Lynn MacLaren  
 Hon Linda Savage  
 Hon Sally Talbot  
 Hon Giz Watson  
 Hon Alison Xamon  
 Hon Ed Dermer (*Teller*)

**Noes (17)**

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

Hon Nick Goiran  
 Hon Alyssa Hayden  
 Hon Col Holt  
 Hon Robyn McSweeney  
 Hon Michael Mischin  
 Hon Simon O'Brien  
 Hon Max Trenorden  
 Hon Nigel Hallett (*Teller*)

New Clause thus negated.

Hon Sally Talbot moved -

Page 10, after line 25 — To insert —

**18. Section 123 amended**

After section 123(4) insert:

- (5) Regulations made under section 123 of the *Environmental Protection Act 1986* will stipulate —
  - (a) minimum periods for public consultation;
  - (b) measures to ensure adequate information is made available to make consultation about environmental impact assessment processes effective and transparent; and
  - (c) measures to ensure the Authority's treatment of public comment on its decision-making is open, transparent and accountable.

Debate ensued.

*Want of Quorum*

There not being a quorum present, the Deputy Chairman of Committees gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

New Clause - put and negated.

New Clause 18.

Debate resumed on the postponed amendment moved by Hon Giz Watson as follows -

Page 10, after line 25 — To insert —

**18. Section 122 deleted**

Delete section 122.

New Clause - put.

The Committee divided.

**Ayes (12)**

Hon Robin Chapple  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
Hon Jon Ford  
Hon Lynn MacLaren

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

**Noes (15)**

Hon Liz Behjat  
Hon Jim Chown  
Hon Peter Collier  
Hon Mia Davies  
Hon Wendy Duncan  
Hon Phil Edman  
Hon Brian Ellis  
Hon Donna Faragher

Hon Nick Goiran  
Hon Alyssa Hayden  
Hon Col Holt  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Simon O'Brien  
Hon Nigel Hallett (*Teller*)

New Clause thus negated.

New Part 4.

Hon Sally Talbot moved -

Page 10, after line 26 — To insert —

**Part 4 — Review of *Approvals and Related Reforms (No. 1) (Environment) Act 2010***

**18. Review of Act**

- (1) The Legislative Council Standing Committee on Legislation is to carry out a review of the operation and effectiveness of the *Approvals and Related Reforms (No. 1) (Environment) Act 2010* to commence on 1 September 2012 for report within 6 months of the commencement of the review.
- (2) The Standing Committee is to prepare a report based on the review and, as soon as practicable after the report is prepared, is to cause the report to be laid before each House of Parliament.

Debate ensued.

Hon Sally Talbot, by leave, withdrew her amendment.

Hon Sally Talbot moved -

Page 10, after line 26 — To insert —

## **Part 4 — Review of *Approvals and Related Reforms (No. 1) (Environment) Act 2010***

### **18. Review of Act**

- (1) The Legislative Council Standing Committee on Uniform Legislation and Statutes Review is to carry out a review of the operation and effectiveness of the *Approvals and Related Reforms (No. 1) (Environment) Act 2010* to commence on 1 September 2012 for report within 6 months of the commencement of the review.
- (2) The Standing Committee is to prepare a report based on the review and, as soon as practicable after the report is prepared, is to cause the report to be laid before each House of Parliament.

Debate ensued.

Hon Sally Talbot, by leave, withdrew her amendment.

Hon Sally Talbot moved -

Page 10, after line 26 — To insert —

## **Part 4 — Review of *Approvals and Related Reforms (No. 1) (Environment) Act 2010***

### **18. Review of Act**

- (1) A Legislative Council Standing Committee is to carry out a review of the operation and effectiveness of the *Approvals and Related Reforms (No. 1) (Environment) Act 2010* to commence on 1 September 2012 for report within 6 months of the commencement of the review.
- (2) The Standing Committee is to prepare a report based on the review and, as soon as practicable after the report is prepared, is to cause the report to be laid before each House of Parliament.

Debate ensued.

New Part - put.

The Committee divided.

### **Ayes (12)**

Hon Matt Benson-Lidholm  
 Hon Robin Chapple  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Jon Ford  
 Hon Lynn MacLaren

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

**Noes (17)**

Hon Liz Behjat	Hon Nick Goiran
Hon Jim Chown	Hon Alyssa Hayden
Hon Peter Collier	Hon Col Holt
Hon Mia Davies	Hon Robyn McSweeney
Hon Wendy Duncan	Hon Michael Mischin
Hon Phil Edman	Hon Simon O'Brien
Hon Brian Ellis	Hon Max Trenorden
Hon Donna Faragher	Hon Nigel Hallett ( <i>Teller</i> )
Hon Philip Gardiner	

New Part thus negated.

Title agreed to.

---

The Deputy President resumed the Chair.

Bill reported with amendments.

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

### **11. Cannabis Law Reform Bill 2009**

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

Debate resumed.

### **12. Questions Without Notice**

Questions without notice were taken.

The Minister for Environment representing the Minister for Tourism, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 2573 asked by Hon Ljiljanna Ravlich will be provided by Tuesday, 14 September 2010.

The Minister for Environment tabled documents in relation to Bush Forever sites managed by the Department of Environment and Conservation, in response to question on notice No. 2610 asked by Hon Alison Xamon. (Tabled paper 2411).

### **13. Cannabis Law Reform Bill 2009**

Debate resumed on the second reading of this Bill (cf item 11 above).

Hon Kate Doust sought leave to continue her remarks at a later stage of this day's sitting.

Leave granted.

The Minister for Transport moved, That the debate be adjourned to a later stage of this day's sitting.

Question - put and passed.

### **14. Order of Business**

Ordered - That Bills for Introduction be taken forthwith. (Minister for Transport).

**15. Environment Protection Amendment Bill 2010**

The Minister for Environment, pursuant to notice, moved -

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

Question - put and passed.

Bill read a first time.

The Minister for Environment moved, That the Bill be now read a second time.

Debate stands adjourned.

**16. Members' Statements**

Statements were taken.

**17. Adjournment**

The House adjourned at 5.33pm until Tuesday, 14 September 2010 at 3.00pm.

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

Attendance: Present all Members except Hon Ken Baston, Hon Norman Moore and Hon Helen Morton.

**NIGEL LAKE**

Acting Clerk of the Legislative Council

**HON BARRY HOUSE**

President of the Legislative Council