

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 160

WEDNESDAY, 29 JUNE 2011

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. Petitions

Hon Sue Ellery presented a petition from 114 petitioners requesting the Legislative Council support the *Skilled Local Jobs Bill 2011*. (Tabled paper 3459).

Hon Adele Farina presented a petition from 1,022 petitioners requesting the Legislative Council oppose the proposed Coal Mine in Osmington, Margaret River. (Tabled paper 3460).

3. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers -

Public Sector Performance Report (Report No. 5) (June 2011) 3424

Leader of the House

Regulations -

Mines Safety and Inspection Act 1994 (Mines Safety and Inspection Levy Amendment Regulations 2011 G.G. 21/06/2011 and Mines Safety and Inspection Levy Amendment Regulations (No. 2) 2011 G.G. 21/06/2011) 3425

Mining Act 1978 (Mining Amendment Regulations (No. 4) 2011 G.G. 24/06/2011) 3426

Rules -

Liquor Control Act 1988 (Liquor Commission Amendment Rules 2011 G.G. 21/06/2011) 3427

Minister for Finance*Regulations -*

Associations Incorporation Act 1987 (Associations Incorporation Amendment Regulations (No. 2) 2011 G.G. 22/06/2011)	3428
Builders' Registration Act 1939 (Builders' Registration Amendment Regulations 2011 G.G. 22/06/2011 and Builders' Registration Amendment Regulations (No. 2) 2011 G.G. 22/06/2011)).....	3429
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Debt Collectors Licensing Act 1964 (Debt Collectors Licensing Amendment Regulations 2011 G.G. 22/06/2011).....	3433
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Gas Standards Act 1972 (Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations 2011 G.G. 22/06/2011).....	3436
Jetties Act 1926 (Jetties Amendment Regulations 2011 G.G. 21/06/2011).....	3437
Land Valuers Licensing Act 1978 (Land Valuers Licensing Amendment Regulations (No. 2) 2011 G.G. 22/06/2011).....	3438
Marine Navigational Aids Act 1973 (Marine Navigational Aids Amendment Regulations 2011 G.G. 21/06/2011).....	3439
Motor Vehicle Dealers Act 1973 (Motor Vehicle Dealers (Licensing) Amendment Regulations 2011 G.G. 22/06/2011)	3440
Motor Vehicle Repairers Act 2003 (Motor Vehicle Repairers Amendment Regulations (No. 2) 2011 G.G. 22/06/2011)	3441
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Rail Safety Act 2010 (Rail Safety Amendment Regulations 2011 G.G. 21/06/2011)	3443
Real Estate and Business Agents Act 1978 (Real Estate and Business Agents (General) Amendment Regulations 2011 G.G. 22/06/2011).....	3444
Road Traffic Act 1974 (Road Traffic (Charges and Fees) Amendment Regulations (No. 4) 2011 G.G. 21/06/2011).....	3445
Settlement Agents Act 1981 (Settlement Agents Amendment Regulations 2011 G.G. 22/06/2011)	3446
Shipping and Pilotage Act 1967 (Mooring Amendment Regulations 2011 G.G. 21/06/2011, Navigable Waters Amendment Regulations 2011 G.G. 21/06/2011, Shipping and Pilotage (Ports and Harbours) Amendment Regulations 2011 G.G. 21/06/2011 and Shipping and Pilotage (Ports and Harbours) Amendment Regulations (No. 2) 2011 G.G. 21/06/2011)	3447
Travel Agents Act 1985 (Travel Agents Amendment Regulations 2011 G.G. 22/06/2011)	3448
Water Services Licensing Act 1995 (Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations (No. 2) 2011 G.G. 22/06/2011).....	3449

Western Australian Marine Act 1982 (W.A. Marine (Certificates of Competency and Safety Manning) Amendment Regulations (No. 2) 2011 G.G. 21/06/2011, W.A. Marine (Hire and Drive Vessels) Amendment Regulations 2011 G.G. 21/06/2011, W.A. Marine (Load Lines) Amendment Regulations (No. 2) 2011 G.G. 21/06/2011 and W.A. Marine (Surveys and Certificates of Survey) Amendment Regulations (No. 2) 2011 G.G. 21/06/2011)) 3450

Rules -

Limited Partnerships Act 1909 (Limited Partnerships Amendment Rules 2011 G.G. 22/06/2011) 3451

Painters' Registration Act 1961 (Painters' Registration Board Amendment Rules 2011 G.G. 22/06/2011)..... 3452

Minister for Energy

By-laws -

Energy Operators (Powers) Act 1979 (Energy Operators (Electricity Retail Corporation) (Charges) Amendment By-laws 2011 G.G. 24/06/2011 and Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2011 G.G. 24/06/2011) 3453

Minister for Mental Health

By-laws -

Hospitals and Health Services Act 1927 (Fremantle Hospital Amendment By-laws 2011 G.G. 24/06/2011, Osborne Park Hospital Amendment By-laws 2011 G.G. 24/06/2011, Royal Perth Hospital Amendment By-laws 2011 G.G. 24/06/2011 and Women's and Children's Hospitals Amendment By-laws 2011 G.G. 24/06/2011)..... 3454

Queen Elizabeth II Medical Centre Act 1966 (Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2011 G.G. 21/06/2011)..... 3455

Water Agencies (Powers) Act 1984 (Water Agencies Amendment By-laws 2011 G.G. 23/06/2011 and Water Agencies (Charges) Amendment By-laws 2011 G.G. 23/06/2011))..... 3456

Regulations -

Health Act 1911 (Health (Pesticides) Amendment Regulations 2011 G.G. 21/06/2011) 3457

Parliamentary Secretary representing the Attorney General

Regulations -

Magistrates Court Act 2004 (Magistrates Court Amendment Regulations 2011 G.G. 24/06/2011) 3458

4. Planning and Development (Development Assessment Panels) Regulations 2011 - Withdrawn from Notice Paper

Hon Jim Chown, by leave, moved, without notice -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Motion for Disallowance No. 1, *Planning and Development (Development Assessment Panels) Regulations 2011* be withdrawn from the Notice Paper.

Question - put and passed.

5. City of Melville Local Government Property Local Law 2010 - Withdrawn from Notice Paper

Hon Jim Chown, by leave, moved, without notice -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Motion for Disallowance No. 3, *City of Melville Local Government Property Local Law 2010* be withdrawn from the Notice Paper.

Question - put and passed.

6. Suspension of Temporary Orders

The Leader of the House moved, without notice -

That so much of the Temporary Orders be suspended as would enable Orders of the Day to be taken forthwith.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

7. Order of Business

Ordered - That Orders of the Day Nos 2, *City of Mandurah Waste Management Local Law 2010 - Disallowance*, 3, *Metropolitan Region Scheme Amendment No. 1180/41 - Cockburn Coast District Structure Plan - Disallowance*, and 4, *Schedule 1 of the Prohibited Behaviour Orders Regulations 2011 - Disallowance*, be taken after Order of the Day No. 18, *Duties Amendment Bill (No. 2) 2011*. (Leader of the House).

8. Metropolitan Region Scheme Amendment No. 1186/41 - Wandi Transit Oriented Development Precinct - Disallowance

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Lynn MacLaren -

That the *Metropolitan Region Scheme Amendment No. 1186/41 - Wandi Transit Oriented Development Precinct* published in the *Gazette* on 15 February 2011 and tabled in the Legislative Council on 17 February 2011 under the *Planning and Development Act 2005*, be and is hereby disallowed.

On the motion of the Leader of the House the debate was adjourned to a later stage of this day's sitting.

9. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2011-2012

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. 49(1)(c) the Legislative Council take note of Tabled Paper No. 3310A-F (2011-2012 Budget Statements), laid upon the Table of the House on 19 May 2011.

On the motion of the Leader of the House the debate was adjourned to a later stage of this day's sitting.

10. Casino (Burswood Island) Agreement Amendment Bill 2011

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

Debate resumed.

The Leader of the House representing the Minister for Racing and Gaming tabled a report entitled *Casino (Burswood Island) Agreement Amendment Bill 2011 - Heirisson Island Sculpture Park - Master Plan Report (June 2008)*. (Tabled paper 3461).

Question - put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Leader of the House representing the Minister for Racing and Gaming moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

11. Young Offenders Legislation Amendment (Research Information) Bill 2010

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.

Leave was granted to proceed forthwith to the third reading of the Bill.

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

Question - put and passed.

Bill read a third time and passed.

12. Cognate Debate - Appropriation (Consolidated Account) Recurrent 2011-12 Bill 2011 and Appropriation (Consolidated Account) Capital 2011-12 Bill 2011

The Minister for Finance sought leave of the House to debate Order of the Day No. 13, *Appropriation (Consolidated Account) Recurrent 2011-12 Bill 2011* and Order of the Day No. 14, *Appropriation (Consolidated Account) Capital 2011-12 Bill 2011* cognately [SO 228].

Leave granted.

13. Appropriation (Consolidated Account) Recurrent 2011-12 Bill 2011 and Appropriation (Consolidated Account) Capital 2011-12 Bill 2011

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills.

Debate resumed.

14. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection tabled an answer in tabular format detailing 32 investigable child deaths being reviewed by the Ombudsman's Office, in response to question on notice No. 3960 asked by Hon Sue Ellery. (Tabled paper 3462).

The Minister for Mental Health, in accordance with Standing Order No. 138(d), advised that answers to questions on notice Nos 3893 and 3911 asked by Hon Alison Xamon will be provided on Thursday, 30 June 2011.

The Minister for Mental Health, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 3850 asked by Hon Ljiljanna Ravlich will be provided on Thursday, 30 June 2011.

The Parliamentary Secretary representing the Attorney General, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 3871 asked by Hon Giz Watson will be provided on Tuesday, 9 August 2011.

The Parliamentary Secretary representing the Attorney General, in accordance with Standing Order No. 138(d), advised that answers to questions on notice Nos 3890 and 3904 asked by Hon Alison Xamon will be provided on Tuesday, 9 August 2011.

15. Appropriation (Consolidated Account) Recurrent 2011-12 Bill 2011 and Appropriation (Consolidated Account) Capital 2011-12 Bill 2011

Debate resumed on the second reading of these Bills (cf item 13 above).

On the motion of the Minister for Finance representing the Treasurer the debate was adjourned to a later stage of this day's sitting.

16. Local Government Amendment (Regional Subsidiaries) Bill 2010

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 Minister for Commerce moved, without notice -

That Order of the Day No. 29, *Local Government Amendment (Regional Subsidiaries) Bill 2010*, be discharged and referred to the Standing Committee on Legislation for consideration and report not later than 1 September 2011.

Question - put and passed.

Debate stands adjourned and the Bill referred to the Standing Committee on Legislation.

17. Order of Business

Ordered - That Order of the Day No. 1, *Metropolitan Region Scheme Amendment No. 1186/41 - Wandī Transit Oriented Development Precinct - Disallowance*, be taken forthwith. (Minister for Finance).

18. Metropolitan Region Scheme Amendment No. 1186/41 - Wandī Transit Oriented Development Precinct - Disallowance

The Order of the Day having been read for the adjourned debate on the motion of Hon Lynn MacLaren as follows -

That the *Metropolitan Region Scheme Amendment No. 1186/41 - Wandī Transit Oriented Development Precinct* published in the *Gazette* on 15 February 2011 and tabled in the Legislative Council on 17 February 2011 under the *Planning and Development Act 2005*, be and is hereby disallowed.

Debate ensued.

Hon Lynn MacLaren, by leave, tabled a document in relation to the proposed Wandī North Local Structure Plan. (Tabled paper 3463).

Hon Lynn MacLaren tabled a plan in relation to the Metropolitan Region Scheme Zonings and Reservations near Amendment 1186/41 - Wandī Transit Oriented Development Precinct [SO 48]. (Tabled paper 3464).

Debate resumed.

Question - put and negatived.

19. Members' Statements

Statements were taken.

20. Adjournment

The House adjourned at 10.22pm until Thursday, 30 June 2011 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council