

LEGISLATIVE COUNCIL
WEDNESDAY, 20 JUNE 2012

2.00pm

Prayers

2.00PM - ORDER OF BUSINESS

Condolence Motions

Petitions

(Hon Kate Doust)

Statements by Ministers and Parliamentary Secretaries

(Minister for Disability Services)

Papers for Tabling

(President)

Notice of Questions

Notices of Motions to Introduce Bills

Notices of Motions for Disallowance

Notices of Motions

Motions without Notice

Motions on Notice

4.30pm Questions without Notice

5.00pm Committee Reports

7.30pm Orders of the Day

9.45pm Members' Statements

10.25pm House adjourns

MOTIONS ON NOTICE

1. Unconventional Gas Exploration and Mining - Moratorium (*Notice given 15 March 2011, amended 21 September 2011*)

Continuation of remarks Hon Philip Gardiner – 41 mins (Wednesday, 13 June 2012)
on the amendment of Hon Jon Ford as follows –

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

to the motion, as amended, of Hon Alison Xamon as follows –

That this House —

- (1) 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 —
 - (a) have no impact on local land users, including —
 - (i) no reduction of available agricultural land;
 - (ii) no reduction in local groundwater levels;
 - (iii) no saltwater contamination of groundwater;
 - (iv) no chemical contamination of groundwater; and
 - (v) no uncontrolled methane leakage from drilled locations, and
 - (b) be governed by Government regulations that ensure that —
 - (i) absolute transparency is provided to the public about which chemicals are used in all unconventional gas drilling and hydraulic fracturing (‘fracking’) activities;
 - (ii) 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
 - (iii) 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.
- (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.

Total time remaining on motion – 1hr 52mins.

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2. Redress WA - Payments (*Notice given 17 May 2011*)

Hon Sue Ellery: To move -

That this House agrees with the comments by Premier Barnett that the Government's decision to cut the maximum payment available to Redress WA applicants from \$80,000 to \$45,000 was "a bit too tough", notes the devastating effect this second betrayal has had on many of the applicants and calls on the Government to re-visit this decision.

3. Pilbara Cities - Development Strategy and Plan (*Notice given 17 May 2011*)

Hon Jon Ford: To move -

That the Legislative Council calls on the Minister for Regional Development and the Premier to explain to the people of Western Australia the strategy and plan to develop the Pilbara Cities policy including -

- (a) how water will be supplied and how much it will cost;
- (b) how power will be supplied and how much it will cost;
- (c) how many new schools will be built and how the staff will be housed;
- (d) how many new ancillary health providers are required and how they will be housed; and
- (e) what the Government will do to ensure there is adequate affordable housing.

CONSIDERATION OF COMMITTEE REPORTS

1. Joint Standing Committee on the Corruption and Crime Commission – Report No. 25 – The use of Public Examinations by the Corruption and Crime Commission – Committee Report (*Tabled 27 March 2012*)

On the motion of Hon Nick Goiran (Wednesday, 13 June 2012) debate was adjourned to the next sitting.

See Tabled paper No. 4369.

2. Joint Standing Committee on Delegated Legislation – Report No. 47 – Shire of Kellerberrin Parking and Parking Facilities Local Laws 2011 – Committee Report (*Tabled 3 May 2012*)

Consideration. *See Tabled paper No. 4477.*

3. Joint Standing Committee on Delegated Legislation – Report No. 48 – Town of Kwinana Extractive Industries Local Law 2011 – Committee Report (*Tabled 3 May 2012*)

Consideration. *See Tabled paper No. 4478.*

4. Joint Standing Committee on Delegated Legislation – Report No. 49 – Annual Report 2011 – Committee Report (*Tabled 3 May 2012*)

Consideration. *See Tabled paper No. 4479.*

5. Joint Standing Committee on the Corruption and Crime Commission – Report No. 27 – Discontinuance of Contempt Proceedings against Members of the Coffin Cheaters Motorcycle Club – Committee Report (*Tabled 14 June 2012*)

Consideration. *See Tabled paper No. 4611.*

ORDERS OF THE DAY

1. Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 22 March 2012 on the motion of Hon Ken Travers (Days remaining 10 after today)

That the *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled paper 4221).

2. Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 22 March 2012 on the motion of Hon Ken Travers (Days remaining 10 after today)

That the *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011* published in the *Gazette* on 9 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Queen Elizabeth II Medical Centre Act 1966*, be and are hereby disallowed. (Tabled paper 4222).

3. Royal Perth Hospital Amendment By-laws (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 22 March 2012 on the motion of Hon Ken Travers (Days remaining 10 after today)

That the *Royal Perth Hospital Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled paper 4221).

4. Metropolitan Health Service Amendment By-laws (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 22 March 2012 on the motion of Hon Ken Travers (Days remaining 10 after today)

That the *Metropolitan Health Service Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled paper 4221).

5. Fremantle Hospital Amendment By-laws (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 22 March 2012 on the motion of Hon Ken Travers (Days remaining 10 after today)

That the *Fremantle Hospital Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled paper 4221).

6. Osborne Park Hospital Amendment By-laws (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 22 March 2012 on the motion of Hon Ken Travers (Days remaining 10 after today)

That the *Osborne Park Hospital Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are

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hereby disallowed. (Tabled paper 4221).

7. Hospitals (Services Charges) Amendment Regulations (No. 7) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 22 March 2012 on the motion of Hon Ken Travers (Days remaining 10 after today)

That the *Hospitals (Services Charges) Amendment Regulations (No. 7) 2011* published in the *Gazette* on 30 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled paper 4236).

8. Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011* published in the *Gazette* on 9 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Queen Elizabeth II Medical Centre Act 1966*, be and are hereby disallowed. (Tabled paper 4222).

9. Fremantle Hospital Amendment By-laws (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Fremantle Hospital Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled paper 4221).

10. Osborne Park Hospital Amendment By-laws (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Osborne Park Hospital Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled paper 4221).

11. Royal Perth Hospital Amendment By-laws (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Royal Perth Hospital Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled paper 4221).

12. Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and

tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled paper 4221).

13. Liquor Control Amendment Regulations (No. 10) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Liquor Control Amendment Regulations (No. 10) 2011* published in the *Gazette* on 6 January 2012 and tabled in the Legislative Council on 6 March 2012 under the *Liquor Control Act 1988*, be and are hereby disallowed. (Tabled paper 4167).

14. Children's Court (Fees) Amendment Regulations (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Children's Court (Fees) Amendment Regulations (No. 2) 2011* published in the *Gazette* on 20 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Children's Court of Western Australia Act 1988*, be and are hereby disallowed. (Tabled paper 4247).

15. Civil Judgements Enforcement Amendment Regulations (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Civil Judgements Enforcement Amendment Regulations (No. 2) 2011* published in the *Gazette* on 20 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Civil Judgements Enforcement Act 2004*, be and are hereby disallowed. (Tabled paper 4248).

16. Coroners Amendment Regulations (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Coroners Amendment Regulations (No. 2) 2011* published in the *Gazette* on 20 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Coroners Act 1996*, be and are hereby disallowed. (Tabled paper 4249).

17. District Court (Fees) Amendment Regulations (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *District Court (Fees) Amendment Regulations (No. 2) 2011* published in the *Gazette* on 20 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *District Court of Western Australia Act 1969*, be and are hereby disallowed. (Tabled paper 4250).

18. Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

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That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2011* published in the *Gazette* on 20 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Evidence Act 1906*, be and are hereby disallowed. (Tabled paper 4251).

19. Magistrates Court (Fees) Amendment Regulations (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Magistrates Court (Fees) Amendment Regulations (No. 2) 2011* published in the *Gazette* on 20 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Magistrates Court Act 2004*, be and are hereby disallowed. (Tabled paper 4253).

20. State Administrative Tribunal Amendment Regulations (No. 5) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *State Administrative Tribunal Amendment Regulations (No. 5) 2011* published in the *Gazette* on 20 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *State Administrative Tribunal Act 2004*, be and are hereby disallowed. (Tabled paper 4256).

21. Supreme Court (Fees) Amendment Regulations (No. 2) 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Supreme Court (Fees) Amendment Regulations (No. 2) 2011* published in the *Gazette* on 20 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Supreme Court Act 1935*, be and are hereby disallowed. (Tabled paper 4257).

22. Town of Bassendean Repeal Local Law 2010 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Bassendean Repeal Local Law 2010* published in the *Gazette* on 20 January 2012 and tabled in the Legislative Council on 6 March 2012 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 4212).

23. Town of Bassendean Dust and Sand Local Law 2011 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Bassendean Dust and Sand Local Law 2011* published in the *Gazette* on 6 March 2012 and tabled in the Legislative Council on 21 March 2012 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 4329).

24. City of Busselton Busselton Regional Airport Local Law 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 24 May 2012 on the motion of Hon Sally Talbot (Days remaining 12 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Busselton Busselton Regional Airport Local Law 2012* published in the *Gazette* on 24 February 2012 and tabled in the Legislative Council on 6 March 2012 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 4209).

25. City of Swan Standing Orders Local Law 2010 – Disallowance

Moved *pro forma* (SO 66(3)) 19 June 2012 on the motion of Hon Alyssa Hayden (Days remaining 16 after today)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Swan Standing Orders Local Law 2010* published in the *Gazette* on 16 March 2012 and tabled in the Legislative Council on 21 March 2012 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 4329).

26. Estimates of Revenue and Expenditure – Consolidated Fund Estimates 2012–2013 (*Notice given 17 May 2012*) Minister for Finance representing the Treasurer

Resumption of debate adjourned Hon Ken Baston (Tuesday, 19 June 2012) 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 House on Thursday, 17 May 2012.

(Days remaining 2 after today)

31. *Retail Trading Hours Amendment Bill 2012 [LA 263–1] Minister for Commerce

Committee (Tuesday, 19 June 2012). *cf SNP 263 Issue 1 - 19 June 2012.*

32. Teacher Registration Bill 2011 [LA 260–2] Minister for Energy representing the Minister for Education

Second reading adjourned (Wednesday, 2 May 2012). *cf SNP 260 Issue 1 – 12 June 2012.*

30. *Criminal Investigation (Covert Powers) Bill 2011 [LA 210-2] Minister for Energy representing the Minister for Police

Committee progress clause 5 (Thursday, 14 June 2012). *See Standing Committee on Uniform Legislation and Statutes Review Report No. 69 (Tabled 6 March 2012). cf SNP 210 Issue 8 – 12 June 2012.*

33. Fines, Penalties and Infringement Notices Enforcement Amendment (Taxation) Bill 2012 [LA 265–1] Parliamentary Secretary representing the Attorney General

Second reading adjourned (Wednesday, 2 May 2012).

34. *Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012 [LA 266–1] Parliamentary Secretary representing the Attorney General

Second reading adjourned (Wednesday, 2 May 2012). *cf SNP 266 Issue 2 – 12 June 2012.*

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- 29. *Evidence and Public Interest Disclosure Legislation Amendment Bill 2011 [LC 232-1B]** *Parliamentary Secretary representing the Attorney General*

Committee (Thursday, 10 November 2011). *See Standing Committee on Procedure and Privileges Report No. 23 (Tabled 29 November 2011). cf SNP 232 Issue 2 - 1 December 2011.*

- 35. Inheritance (Family and Dependents Provision) Amendment Bill 2012 [LC 271-1]** *Parliamentary Secretary representing the Attorney General*

Second reading adjourned (Wednesday, 16 May 2012).

- 36. Lotteries Commission Amendment Bill 2011 [LA 229-2]** *Leader of the House representing the Premier*

Second reading adjourned (Thursday, 17 May 2012).

BILLS FOR INTRODUCTION

- 3. Retirement Villages Amendment Bill 2012** *(Notice given 19 June 2012)*

Minister for Commerce: To move –

That a Bill for “An Act to amend the *Retirement Villages Act 1992*.” be introduced and read a first time.

* For amendments see Supplementary Notice Paper and/or Committee Report

MALCOLM PEACOCK

Clerk of the Legislative Council