

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 217

WEDNESDAY, 20 JUNE 2012

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### 1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

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

### 2. Distinguished Visitors — Hon Terry Stephens

The President drew attention to the presence in the gallery of Hon Terry Stephens, Member of the South Australian Legislative Council, and his family, and, on behalf of Honourable Members, extended a warm welcome.

### 3. Petition

Hon Kate Doust presented a petition from 774 petitioners requesting the Legislative Council inquire into the Perth waterfront project before any further work commences. (Tabled Paper 4662).

### 4. Ministerial Statement — Disability Access and Inclusion Plans — Progress Report 2010–2011

The Minister for Disability Services made a Ministerial Statement with respect to the Disability Services Commission *Disability Access and Inclusion Plans — Progress Report 2010–2011*.

The Minister for Disability Services tabled the *Disability Access and Inclusion Plans — Progress Report 2010–2011*. (Tabled Paper 4663).

### 5. Paper

The following Paper was laid on the Table by —

#### President

*Auditor General's Papers —*

New Recruits in the Western Australian Police (Report No. 8) (June 2012)..... 4661

### 6. Unconventional Gas Exploration and Mining — Moratorium

Motion No. 1 having been called, debate resumed 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.

Amendment — put.

The Council divided.

**Ayes (8)**

Hon Matt Benson-Lidholm  
 Hon Helen Bullock  
 Hon Sue Ellery  
 Hon Adele Farina

Hon Ljiljana Ravlich  
 Hon Linda Savage  
 Hon Sally Talbot  
 Hon Ed Dermer (*Teller*)

**Noes (21)**

Hon Liz Behjat  
 Hon Robin Chapple  
 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 Lynn MacLaren  
 Hon Robyn McSweeney  
 Hon Helen Morton  
 Hon Simon O'Brien  
 Hon Max Trenorden  
 Hon Giz Watson  
 Hon Alison Xamon  
 Hon Ken Baston (*Teller*)

Amendment thus negatived.

Motion, as amended — put and negatived.

## 7. Redress WA — Payments

Motion No. 2 having been called, Hon Sue Ellery, pursuant to notice, moved —

That this Council 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.

*Interruption pursuant to order.*

## 8. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

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### In Committee

(Hon Matt Benson-Lidholm in the Chair)

#### **Joint Standing Committee on the Corruption and Crime Commission — Report No. 25 — The use of Public Examinations by the Corruption and Crime Commission**

Hon Nick Goiran moved, That consideration of the report be postponed to the next sitting.

Question — put and passed.

#### **Joint Standing Committee on Delegated Legislation — Report No. 47 — Shire of Kellerberrin Parking and Parking Facilities Local Laws 2011**

Hon Jim Chown moved, That the Report be noted.

Debate ensued.

Question — put and passed.

## 9. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health on behalf of the Parliamentary Secretary Representing the Minister for Mines and Petroleum tabled, and by leave incorporated into Hansard, documents in relation to the Government's reform of the environmental regulation program, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 4664).

## 10. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 8 above*).

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### In Committee

(Hon Matt Benson-Lidholm in the Chair)

#### **Joint Standing Committee on Delegated Legislation — Report No. 48 — Town of Kwinana Extractive Industries Local Law 2011**

Hon Alyssa Hayden moved, That the Report be noted.

Question — put and passed.

#### **Joint Standing Committee on Delegated Legislation — Report No. 49 — Annual Report 2011**

Hon Jim Chown moved, That the Report be noted.

Debate ensued.

Question — put and passed.

#### **Joint Standing Committee on the Corruption and Crime Commission — Report No. 27 — Discontinuance of contempt proceedings against members of the Coffin Cheaters Motorcycle Club**

Hon Nick Goiran moved, That consideration of the report be postponed to the next sitting.

Question — put and passed.

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The Deputy President resumed the Chair.

The Chairman of Committees reported that the Committee of the Whole House had considered the —

- (1) Joint Standing Committee on Delegated Legislation — Joint Standing Committee on Delegated Legislation — Report No. 47 — Shire of Kellerberrin Parking and Parking Facilities Local Laws 2011 and had noted same.
- (2) Joint Standing Committee on Delegated Legislation — Report No. 48 — Town of Kwinana Extractive Industries Local Law 2011 and had noted same.
- (3) Joint Standing Committee on Delegated Legislation — Report No. 49 — Annual Report 2011 and had noted same.

Report adopted.

## **11. Order of Business**

Ordered — That Orders of the Day Nos 1, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 2, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 3, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 4, *Metropolitan Health Service Amendment By-laws (No. 2) 2011 — Disallowance*, 5, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 6, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 7, *Hospitals (Services Charges) Amendment Regulations (No. 7) 2011 — Disallowance*, 8, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 9, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 10, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 11, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 12, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 13, *Liquor Control Amendment Regulations (No. 10) 2011 — Disallowance*, 14, *Children's Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 15, *Civil Judgments Enforcement Amendment Regulations (No. 2) 2011 — Disallowance*, 16, *Coroners Amendment Regulations (No. 2) 2011 — Disallowance*, 17, *District Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 18, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2011 — Disallowance*, 19, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 20, *State Administrative Tribunal Amendment Regulations (No. 5) 2011 — Disallowance*, 21, *Supreme Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 22, *Town of Bassendean Repeal Local Law 2010 — Disallowance*, 23, *Town of Bassendean Dust and Sand Local Law 2011 — Disallowance*, 24, *City of Busselton Busselton Regional Airport Local Law 2012 — Disallowance*, and 25, *City of Swan Standing Orders Local Law 2010 — Disallowance*, be taken after Order of the Day No. 36, *Lotteries Commission Amendment Bill 2011* (Minister for Finance).

## **12. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2012–2013**

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. 68(1) the Legislative Council take note of Tabled Paper No. 4536A–F (2012–2013 Budget Statements) laid upon the Table of the Council on Thursday, 17 May 2012.

Debate resumed.

### *Want of Quorum*

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

A quorum being formed, the debate continued.

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

## **13. Petroleum and Geothermal Energy Safety Levies Amendment Bill 2012**

The Deputy President reported the receipt of Message No. 256 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Finance on behalf of the Parliamentary Secretary representing the Minister for Mines and Petroleum moved, That the Bill be now read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Finance on behalf of the Parliamentary Secretary representing the Minister for Mines and Petroleum moved, That the Bill be now read a second time.

The Minister for Finance on behalf of the Parliamentary Secretary representing the Minister for Mines and Petroleum tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4665).

Debate stands adjourned.

#### **14. Petroleum and Geothermal Energy Safety Levies Amendment Bill (No. 2) 2012**

The Deputy President reported the receipt of Message No. 257 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Finance on behalf of the Parliamentary Secretary representing the Minister for Mines and Petroleum moved, That the Bill be now read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Finance on behalf of the Parliamentary Secretary representing the Minister for Mines and Petroleum moved, That the Bill be now read a second time.

The Minister for Finance on behalf of the Parliamentary Secretary representing the Minister for Mines and Petroleum tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4666).

Debate stands adjourned.

#### **15. Workers' Compensation and Injury Management Amendment Bill 2012**

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 258

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Workers' Compensation and Injury Management Amendment Bill 2012* without amendment.

Mr Peter Watson

Acting Speaker

Legislative Assembly Chamber

Perth, 20 June 2012

#### **16. Order of Business**

Ordered — That Order of the Day No. 31, *Retail Trading Hours Amendment Bill 2012*, be taken forthwith. (Minister for Finance).

#### **17. Retail Trading Hours Amendment Bill 2012**

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

The Deputy President left the Chair.

#### **In Committee**

(Hon Matt Benson-Lidholm in the Chair)

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Hon Kate Doust moved —

Page 2, line 15 — To insert after “5 p.m.” —

and all of Easter Sunday

Debate ensued.

Amendment — put.

The Committee divided.

**Ayes (13)**

Hon Matt Benson-Lidholm  
 Hon Robin Chapple  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Nick Goiran  
 Hon Lynn MacLaren

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

**Noes (16)**

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 Nigel Hallett  
 Hon Col Holt  
 Hon Robyn McSweeney  
 Hon Helen Morton  
 Hon Simon O'Brien  
 Hon Max Trenorden  
 Hon Ken Baston (*Teller*)

Amendment thus negatived.

Question, That the clause stand as printed — put and passed.

Clauses 5 to 7 agreed to.

New clause 3A.

Hon Kate Doust moved —

Page 2, after line 10 — To insert —

**3A. Section 10 amended**

In section 10(4) after paragraph (b), insert —

; or

- (c) the retail shop meets such other conditions that are prescribed in relation to a special retail shop.

Debate ensued.

New clause — put and negatived.

Title agreed to.

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

Ordered — That the third reading of the Bill be made an Order of the Day for the next sitting.

**18. Order of Business**

Ordered — That Members' Statements be taken forthwith. (Minister for Finance).

**19. Members' Statements**

Statements were taken.

**20. Adjournment**

The Council adjourned at 10.19 pm until Thursday, 21 June 2012 at 10.00am.

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

Attendance: Present all Members except Hon Jon Ford, Hon Michael Mischin and Hon Norman Moore.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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