

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 93

TUESDAY, 15 JUNE 2010

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. Message from the Deputy of the Governor - Assent to Bill

The President reported the receipt of a Message from the Deputy of the Governor assenting to the following Bill -

27 May 2010 - Message No. 100	Act No.
Working with Children (Criminal Record Checking) Amendment Bill 2009	7 of 2010

3. Messages from His Excellency the Governor - Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills -

10 June 2010 - Message No. 101	Act No.
Revenue Laws Amendment Bill 2010	9 of 2010
3 June 2010 - Message No. 102	Act No.
Approvals and Related Reforms (No. 3) (Crown Land) Bill 2009	8 of 2010
Appropriation (Consolidated Account) Recurrent 2007-08 and 2008-09 (Supplementary) Bill 2009	10 of 2010
Appropriation (Consolidated Account) Capital 2007-08 and 2008-09 (Supplementary) Bill 2009	11 of 2010
Approvals and Related Reforms (No. 2) (Mining) Bill 2009	12 of 2010

4. Petitions

Hon Sally Talbot presented a petition from 73 petitioners requesting the Legislative Council investigate alternative dumping site options for dredging spoil other than the proposed sites in King George Sound, Albany. (Tabled paper 2108).

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 2114).

5. Ministerial Statement - Aboriginal Workforce Development Strategy

The Minister for Training and Workforce Development made a Ministerial Statement with respect to the creation of the Aboriginal Workforce Development Strategy as a part of the Training Together - Working Together initiative.

The Minister for Training and Workforce Development tabled the Training Together - Working Together: Aboriginal Workforce Development Strategy Executive Summary and Recommendations, and the Minister for Training and Workforce Development's Response. (Tabled paper 2115).

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

6. Ministerial Statement - Environmental Protection Authority - Improved Consultative Process

The Minister for Environment made a Ministerial Statement with respect to new administrative arrangements adopted by the Environmental Protection Authority to improve the consultative process during an environmental impact assessment.

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

7. Papers

The following Papers were laid on the Table by -

President

Reports -

Inspector of Custodial Services - Report of an Announced Inspection of Hakea Prison
(Report No. 63) (April 2010) 2086

Leader of the House

Management Plans -

Fish Resources Management Act 1994 (West Coast Demersal Gillnet and Demersal Longline
Interim Managed Fishery Management Plan Amendment 2010 [963] G.G. 28/05/2010 and
Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery
Management Plan Amendment 2010 [963] G.G. 28/05/2010) 2087

Fish Resources Management Act 1994 (West Coast Rock Lobster Management Plan
Amendment (No. 8) 2010 [973] G.G. 08/06/2010) 2088

Regulations -

Casino Control Act 1984 (Casino Control Amendment Regulations 2010 G.G. 04/06/2010) 2089

Fair Trading Act 1987 (Fair Trading (Product Safety Standard) Amendment Regulations 2010
G.G. 28/05/2010) 2090

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations
(No. 4) 2010 G.G. 28/05/2010) 2091

Liquor Control Act 1988 (Liquor Control Amendment Regulations (No. 2) 2010 G.G. 28/05/2010).... 2092

Liquor Control Act 1988 (Liquor Control (Bayulu Restricted Area) Regulations 2010
G.G. 08/06/2010 and Control Amendment Regulations (No. 3) 2010 G.G. 08/06/2010) 2093

Mining Act 1978 (Mining Amendment Regulations (No. 2) 2010 G.G. 11/06/2010) 2094

Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment
Regulations 2010 G.G. 25/05/2010) 2095

Real Estate and Business Agents Act 1978 (Real Estate and Business Agents (General)
Amendment Regulations 2010 G.G. 28/05/2010) 2096

Trade Measurement Act 2006 (Trade Measurement Amendment Regulations 2010 G.G. 28/05/2010).....	2097
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Minister for Transport

Regulations -

Motor Vehicle Drivers Instructors Act 1963 (Motor Vehicle Drivers Instructors Amendment Regulations 2010 G.G. 04/06/2010).....	2098
Port Authorities Act 1999 (Port Authorities Amendment Regulations 2010 G.G. 04/06/2010, Port Authorities Amendment Regulations (No. 2) 2010 G.G. 04/06/2010, Port Authorities Amendment Regulations (No. 3) 2010 G.G. 04/06/2010, Port Authorities Amendment Regulations (No. 4) 2010 G.G. 04/06/2010 and Port Authorities Amendment Regulations (No. 5) 2010 G.G. 04/06/2010).....	2099
Road Traffic Act 1974 (Road Traffic Code Amendment Regulations (No. 2) 2010 G.G. 04/06/2010 and Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2010 G.G. 04/06/2010)....	2100
Shipping and Pilotage Act 1967 (Ports and Harbours Amendment Regulations 2010 G.G. 04/06/2010 and Mooring Amendment Regulations 2010 G.G. 04/06/2010)	2101
Western Australian Marine Act 1982 (W.A. Marine (Load Lines) Amendment Regulations 2010 G.G. 04/06/2010).....	2102

Minister for Energy

Local Laws -

Dog Act 1976 (Shire of Kalamunda Dogs Local Law 2010 G.G. 24/05/2010)	2103
Local Government Act 1995 (Shire of Wongan-Ballidu Bush Fire Brigades Amendment Local Law 2010 G.G. 25/05/2010).....	2104
Local Government Act 1995 (Shire of Ravensthorpe Local Government Property Local Law 2010 G.G. 08/06/2010).....	2105

Regulations -

Energy Coordination Act 1994 (Energy Coordination Amendment Regulations 2010 G.G. 25/05/2010).....	2106
Higher Education Act 2004 (Higher Education Amendment Regulations 2010 G.G. 08/06/2010)	2107

Minister for Child Protection

Ministerial Approvals -

Subiaco Redevelopment Act 1994 - To enter into a contract of value over \$1 million - Lead Civil Works Contractor for the Australian Fine China Project	2109
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Regulations -

Beekeepers Act 1963 (Beekeepers Amendment Regulations 2010 G.G. 08/06/2010)	2110
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Minister for Environment

Local Laws -

Waste Avoidance and Resource Recovery Act 2007 (Shire of Goomalling Waste Local Law 2010 G.G. 08/06/2010)	2111
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Proposals -

Land Administration Act 1997 - Submission No. 06/2010 - Excision of Airspace from Class A Reserve No. 19465 to enable inclusion into the proposed Reserve to protect the Albany Footbridge.....	2112
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Minister for Environment on behalf of the Parliamentary Secretary representing the Treasurer

Budget Papers and Related Papers -

Quarterly Financial Results Report 2009-2010 (March 2010)..... 2113

8. Standing Committee on Legislation - Criminal Investigation Amendment Bill 2009 - Extension of Reporting Time

Hon Michael Mischin presented a Special Report of the Standing Committee on Legislation in relation to the *Criminal Investigation Amendment Bill 2009* seeking an extension of time for the Committee to report from 17 June 2010 to 21 October 2010. (Tabled paper 2116).

Hon Michael Mischin moved, That the Report do lie upon the Table and be adopted and agreed to.

Question - put and passed.

9. Energy Coordination (Gas Tariffs) Amendment Regulations 2010 - Disallowance - Withdrawal of Motion

Hon Robin Chapple, by leave, withdrew Motion for Disallowance No. 3, *Energy Coordination (Gas Tariffs) Amendment Regulations 2010*, from the Notice Paper pursuant to the recommendation of the Joint Standing Committee on Delegated Legislation.

10. 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, *State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2009 - Disallowance*, 8, *Mining Amendment Regulations 2009 - Disallowance*, 9, *Shire of Busselton - Local Government Property Local Law 2010 - Disallowance*, 10, *Shire of Augusta - Margaret River - Cemeteries Local Law 2010 - Disallowance*, and 11, *Shire of Augusta - Margaret River - Activities in Thoroughfares and Public Places and Trading Local Law 2010 - Disallowance*, be taken after Order of the Day No. 17, *Approvals and Related Reforms (No. 4) (Planning) Bill 2009*. (Leader of the House).

11. City of Albany Parking and Parking Facilities Local Law 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, *City of Albany Parking and Parking Facilities Local Law 2009 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

12. City of Gosnells Animals, Environment and Nuisance Local Law 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. 6, *City of Gosnells Animals, Environment and Nuisance Local Law 2009 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

13. Shire of Busselton Dust and Building Waste Control Local Law 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. 7, *Shire of Busselton Dust and Building Waste Control Local Law 2009 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

14. 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.

15. Questions Without Notice

Questions without notice were taken.

The Minister for Energy tabled a document in relation to the progress of Western Power's implementation of the recommendation of the Distribution Wood Pole Audit Review (as at 30 April 2010), in response to a question without notice asked by Hon Kate Doust. (Tabled paper 2117).

The Minister for Transport tabled the Travel Time Survey Investigation of TT Anomalies report, dated 27 April 2010, by Main Roads Western Australia, in response to a question without notice asked by Hon Ken Travers. (Tabled paper 2118).

The Minister for Energy representing the Minister for Education tabled, and by leave incorporated into Hansard, documents in relation to documented cases of grievances at Kalbarri District High School for the years 2007 to 2010, in response to a question without notice asked by Hon Matt Benson-Lidholm. (Tabled paper 2119).

The Minister for Mines and Petroleum tabled copies of an inspection improvement notice issued to the Higginsville Mine, in response to question on notice No. 2363 asked by Hon Jon Ford. (Tabled paper 2120).

The Minister for Mines and Petroleum tabled a copy of the record book entry and an inspection improvement notice issued to the Bullen Mine, in response to question on notice No. 2367 asked by Hon Jon Ford. (Tabled paper 2121).

The Minister for Mines and Petroleum tabled documents in relation to record book entries, prohibition notices and mine improvement notices issued to Kanowna Belle and Raleigh Gold Mines between 2008 and 2010, in response to question on notice No. 2313 asked by Hon Robin Chapple. (Tabled paper 2122).

The Minister for Mines and Petroleum tabled documents in relation to written correspondence, directions, communications, and environmental field notices issued to Kanowna Belle and Raleigh Gold Mines between 2008 and 2010, in response to question on notice No. 2314 asked by Hon Robin Chapple. (Tabled paper 2123).

The Minister for Mines and Petroleum tabled a diagram of the dolocrete long section isometric view looking from the Hanging Wall in relation to the Kanowna Belle Gold Mine, in response to question on notice No. 2315 asked by Hon Robin Chapple. (Tabled paper 2124).

The Minister for Mines and Petroleum tabled record book entries, improvement and prohibition notices issued to the Goldfields St Ives Argo Mine, in response to question on notice No. 2323 asked by Hon Robin Chapple. (Tabled paper 2125).

The Minister for Mines and Petroleum tabled documents in relation to details of occupational health and safety at Norseman Gold Operations, the OK Mine, the Harlequin Mine and the Bullen Mine for the years 2008 to 2010, in response to question on notice No. 2318 asked by Hon Robin Chapple. (Tabled paper 2126).

The Minister for Mines and Petroleum tabled documents in relation to prohibition notices, numbers of refuge chambers and locations for levels relating to Norseman Gold Operations, the OK Mine, the Harlequin Mine and the Bullen Mine, in response to question on notice No. 2319 asked by Hon Robin Chapple. (Tabled paper 2127).

The Minister for Mines and Petroleum tabled documents and correspondence in relation to an incident hazard report relating to a reported collision at the Harlequin Mine, in response to question on notice No. 2320 asked by Hon Robin Chapple. (Tabled paper 2128).

The Minister for Mines and Petroleum tabled documents in relation to radar monitoring data relating to recorded movement at the Kalgoorlie-Boulder superpit operated by KCGM, in response to question on notice No. 2322 asked by Hon Robin Chapple. (Tabled paper 2129).

The Minister for Transport tabled documents in relation to details of expenditure for cycling infrastructure including Principal Shared Pathways between 2001 and 2010, in response to question on notice No. 2302 asked by Hon Ken Travers. (Tabled paper 2130).

16. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2010-2011

Debate resumed on the motion of the Parliamentary Secretary representing the Treasurer (cf item 14 above).

On the motion of Hon Ed Dermer the debate was adjourned to the next sitting.

17. Criminal Code Amendment (Identity Crime) Bill 2009

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

The Parliamentary Secretary representing the Attorney General 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.

18. Petroleum and Energy Legislation Amendment Bill 2009

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.

Debate ensued.

Clause agreed to.

Clause 2.

The Minister for Mines and Petroleum moved -

Page 2, lines 9 to 13 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

The Minister for Mines and Petroleum moved -

Page 4, lines 10 to 21 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 5 to 29 agreed to.

Clause 30.

Debate ensued.

Clause put and negatived.

Clauses 31 to 45 agreed to.

Clause 46.

Debate ensued.

Clause put and negatived.

Clauses 47 to 59 agreed to.

Clause 60.

The Minister for Mines and Petroleum moved -

Page 44, lines 3 to 9 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 61 to 66 agreed to.

Clause 67.

The Minister for Mines and Petroleum moved -

Page 54, lines 32 to 36 — To delete the lines and insert —

(b) in paragraph (c) delete “hydrogen-sulphide,” and insert:

hydrogen sulphide,

Amendment - put and passed.

The Minister for Mines and Petroleum moved -

Page 55, lines 1 to 9 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 68 to 71 agreed to.

Clause 72.

The Minister for Mines and Petroleum moved -

Page 60, line 23 — To insert after “*Gas*” —

Storage

Page 61, line 7 — To insert after “*Petroleum*” —

and Greenhouse Gas Storage

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 73 to 96 agreed to.

Clause 97.

Debate ensued.

Clause put and negatived.

Clauses 98 to 114 agreed to.

Clause 115.

Debate ensued.

Clause agreed to.

Clauses 116 to 175 agreed to.

Clause 176.

The Minister for Mines and Petroleum moved -

Page 135, lines 14 to 25 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 177 to 185 agreed to.

Clause 186.

Debate ensued.

Clause put and negatived.

Clause 187 to 190 agreed to.

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.

19. Order of Business

Ordered - That Orders of the Day Nos 18, *Credit (Commonwealth Powers) Bill 2010*, and 19, *Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Bill 2010* be taken before Order of the Day No. 16, *Approvals and Related Reforms (No. 1) (Environment) Bill 2009*. (Leader of the House).

20. Cognate Debate - Credit (Commonwealth Powers) Bill 2010 and Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Bill 2010

The Leader of the House sought leave of the House to debate Order of the Day No. 18, *Credit (Commonwealth Powers) Bill 2010* and Order of the Day No. 19, *Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Bill 2010* cognately [SO 228].

Leave granted.

21. Credit (Commonwealth Powers) Bill 2010 and Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Bill 2010

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

Question - put and passed.

Bills read a second time.

Leave was granted to proceed forthwith to the third reading of these Bills.

The Leader of the House moved, That the *Credit (Commonwealth Powers) Bill 2010* be now read a third time.

Question - put and passed.

Bill read a third time and passed.

The Leader of the House moved, That the *Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Bill 2010* be now read a third time.

Question - put and passed.

Bill read a third time and passed.

22. Order of Business

Ordered - That Order of the Day No. 20, *Pay-roll Tax Assessment Amendment Bill 2010*, be taken forthwith. (Leader of the House).

23. Pay-roll Tax Assessment Amendment Bill 2010

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

Debate ensued.

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 moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

24. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until Thursday, 17 June 2010 at 10.00am.

Question - put and passed.

25. Order of Business

Ordered - That Members' Statement be taken forthwith. (Leader of the House).

26. Members' Statements

Statements were taken.

27. Adjournment

The House adjourned at 9.49pm until Thursday, 17 June 2010 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Wendy Duncan and Hon Helen Morton.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council