

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 115

THURSDAY, 23 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. Papers

The following Papers were laid on the Table by -

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3. Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts - First Report - Annual Report 2009-2010

Hon Max Trenorden presented the First Report of the Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts being the *Annual Report 2009-2010*. (Tabled paper 2567).

Hon Max Trenorden moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

4. Standing Committee on Public Administration - Eleventh Report - Recreation Activities within Public Drinking Water Source Areas

Hon Max Trenorden presented the Eleventh Report of the Standing Committee on Public Administration in relation to *Recreation Activities within Public Drinking Water Source Areas*. (Tabled paper 2568).

Hon Max Trenorden moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

Hon Max Trenorden, by leave, made a brief statement in relation to the report.

5. Joint Standing Committee on the Corruption and Crime Commission - Eleventh Report - Annual Report 2009-2010

Hon Nick Goiran presented the Eleventh Report of the Joint Standing Committee on the Corruption and Crime Commission being the *Annual Report 2009-2010*. (Tabled paper 2569).

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

Question - put and passed.

6. Petition

Hon Sally Talbot, by leave, presented a petition from 185 petitioners requesting the Legislative Council to call on the Government to consider reducing the maximum boat speed in the Swan and Canning Rivers. (Tabled paper 2570).

7. Shire of Roebourne Parking and Parking Facilities 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 Roebourne Parking and Parking Facilities Local Law 2010* published in the *Gazette* on 30 July 2010 and tabled in the Legislative Council on 10 August 2010 under the *Local Government Act 1995*, be and is hereby disallowed.

8. Fish Resources Management Amendment Regulations (No. 3) 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 *Fish Resources Management Amendment Regulations (No. 3) 2010* published in the *Gazette* on 23 July 2010 and tabled in the Legislative Council on 10 August 2010 under the *Fish Resources Management Act 1994*, be and are hereby disallowed.

9. Shipping and Pilotage (Ports and Harbours) Amendment Regulations (No. 3) 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 *Shipping and Pilotage (Ports and Harbours) Amendment Regulations (No. 3) 2010* published in the *Gazette* on 30 June 2010 and tabled in the Legislative Council on 10 August 2010 under the *Shipping and Pilotage Act 1967*, be and are hereby disallowed.

10. Surveillance Devices Amendment Regulations 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 *Surveillance Devices Amendment Regulations 2010* published in the *Gazette* on 6 July 2010 and tabled in the Legislative Council on 10 August 2010 under the *Surveillance Devices Act 1998*, be and are hereby disallowed.

11. Western Australian Meat Industry Authority Amendment Regulations (No. 2) 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 *Western Australian Meat Industry Authority Amendment Regulations (No. 2) 2010* published in the *Gazette* on 30 June 2010 and tabled in the Legislative Council on 10 August 2010 under the *Western Australian Meat Industry Authority Act 1976*, be and are hereby disallowed.

12. Suspension of Standing and Temporary Orders

The Leader of the House moved, without notice -

That so much of the Standing and Temporary Orders be suspended as to enable Motions on Notice to be taken after Non-Government Business.

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.

13. Country Local Government Fund - Allocation

Non-Government Business No. 1 having been called, Hon Helen Bullock moved, without notice -

That this House expresses its concern at the malapportioned allocation of the Country Local Government Fund which sees -

- (a) 60 percent allocated to five National Party electorates;
- (b) 16 percent allocated to six Liberal Party electorates;
- (c) 6 percent allocated to one Independent electorate; and
- (d) 18 percent allocated to five Labor Party electorates.

Debate ensued.

The Parliamentary Secretary representing the Minister for Regional Development, by leave, tabled a report entitled *Royalties for Regions - Snapshot 2010-11*. (Tabled paper 2571).

Hon Sally Talbot, by leave, tabled a graph entitled *Royalties to Regions Local Government Fund - Expenditure per Person* (2008-09 and 2010-11). (Tabled paper 2572).

Motion lapsed pursuant to Temporary Orders.

14. Small Business Development Corporation

Motion No. 1 having been called, debate resumed on the motion of Hon Ljiljanna Ravlich as follows -

- (1) That this House calls on the Minister for Commerce and the Minister for Regional Development to make public their positions on the future of the Small Business Development Corporation (SBDC), in light of the uncertainty in the small business community and given the Chamber of Commerce and Industry's position as outlined in their 2009/10 pre-budget submission to Government which states that -
 "The Chamber of Commerce and Industry (CCI) believes that there are significant opportunities for the core functions of the SBDC to be absorbed by other agencies."
- (2) That this House calls on the Minister for Commerce and the Minister for Regional Development to -
 - (a) allay the concern of the small business sector and guarantee that the SBDC will not be privatised in full or part or carved up and its functions distributed to other agencies as part of the Government's three per cent efficiency dividend; and
 - (b) confirm that the future of the small business centres around the state is assured and that they will not be privatised in full or part or carved up and their functions distributed to other agencies as part of the Government's three per cent efficiency dividend.

Question - put.

The House divided.

Ayes (13)

Hon Matt Benson-Lidholm
 Hon Helen Bullock
 Hon Robin Chapple
 Hon Kate Doust
 Hon Sue Ellery
 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 (18)

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 Nigel Hallett
 Hon Col Holt
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Max Trenorden
 Hon Ken Baston (*Teller*)

Question thus negatived.

15. Government Training Policy

Motion No. 2 having been called, Hon Ljiljanna Ravlich, pursuant to notice, moved -

That this House condemns the Minister for Training for his failure to produce a training policy and calls on the Minister to outline what he will do to assist industry and Western Australian workers who have been adversely impacted by the global financial crisis, and calls on the Minister to outline -

- (a) his Government's policies to deal with the impact of the global financial crisis on workers who lose their jobs and need retraining;
- (b) how many training places will be delivered to apprentices and trainees over four years;
- (c) how many training places will be delivered in green skills areas;
- (d) how much funding will be allocated by the State Government to retraining retrenched workers across the state;
- (e) how much funding will be allocated to VET in schools; and
- (f) what is the Government's plan for training infrastructure in Western Australia.

The Minister for Training and Workforce Development tabled the *Training Together - Working Together: Aboriginal Workforce Development Strategy*, and Executive Summary and Recommendations. (Tabled paper 2573).

Interruption pursuant to Temporary Orders.

16. Order of Business

Ordered - That Orders of the Day Nos 1, *Shire of Capel - Keeping and Welfare of Cats Amendment Local Law 2009 - Disallowance*, 2, *Road Traffic Code Amendment Regulations (No. 2) 2010 - Disallowance*, 3, *Shire of Koorda Standing Orders Local Law 2009 - Disallowance*, and 4 *Shire of Dowerin Waste Local Law 2010 - Disallowance*, be taken after Order of the Day No. 8, *Environmental Protection Amendment Bill 2010*. (Leader of the House).

17. Cement Works (Cockburn Cement Limited) Agreement Amendment 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 Deputy President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Debate ensued.

The Minister for Mines and Petroleum moved, That progress be reported and leave asked to sit again.

Question - put and passed.

The Deputy President resumed the Chair.

The Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

18. Questions Without Notice

Questions without notice were taken.

The Minister for Energy tabled, and by leave incorporated into Hansard, documents in relation to the ten megawatt photovoltaic solar project in the Mid West, in response to a question without notice asked by Hon Kate Doust. (Tabled paper 2634).

19. Cannabis Law Reform Bill 2009

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

The Minister for Energy representing the Minister for Police moved, That the Bill be now read a third time.

The 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.

Debate ensued.

Question - put and passed.

Bill read a third time and passed.

20. 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 3, *Shire of Koorda Standing Orders Local Law 2009 - Disallowance*, be taken before Order of the Day No. 7, *Railway (Roy Hill Infrastructure Pty Ltd) Agreement Bill 2010*. (Leader of the House).

21. Cognate Debate - Shire of Capel - Keeping and Welfare of Cats Amendment Local Law 2009 - Disallowance and Shire of Koorda Standing Orders Local Law 2009 - Disallowance

Hon Robin Chapple sought leave of the House to debate Order of the Day No. 1, *Shire of Capel - Keeping and Welfare of Cats Amendment Local Law 2009 - Disallowance* and Order of the Day No. 3, *Shire of Koorda Standing Orders Local Law 2009 - Disallowance* cognately [SO 228].

Leave granted.

22. Shire of Capel - Keeping and Welfare of Cats Amendment Local Law 2009 - Disallowance and Shire of Koorda Standing Orders Local Law 2009 - Disallowance

Pursuant to SO 152(b) the following motions were moved *pro forma* by Hon Robin Chapple -

- (1) That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Capel - Keeping and Welfare of Cats Amendment Local Law 2009* published in the *Gazette* on 4 May 2010 and tabled in the Legislative Council on 18 May 2010 under the *Local Government Act 1995*, be and is hereby disallowed; and
- (2) That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Koorda Standing Orders Local Law 2009* published in the *Gazette* on 6 August 2010 and tabled in the Legislative Council on 10 August 2010 under the *Local Government Act 1995*, be and is hereby disallowed.

Debate ensued.

On the question -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Capel - Keeping and Welfare of Cats Amendment Local Law 2009* published in the *Gazette* on 4 May 2010 and tabled in the Legislative Council on 18 May 2010 under the *Local Government Act 1995*, be and is hereby disallowed.

Question - put and passed.

On the question -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Koorda Standing Orders Local Law 2009* published in the *Gazette* on 6 August 2010 and tabled in the Legislative Council on 10 August 2010 under the *Local Government Act 1995*, be and is hereby disallowed.

Question - put and passed.

23. Papers

The following Papers, by leave, were laid on the Table by -

Leader of the House

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24. Police Amendment Bill 2010

The President reported the receipt of Message No. 134 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Energy representing the Minister for Police moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Energy representing the Minister for Police moved, That the Bill be now read a second time.

Debate stands adjourned.

25. Children and Community Services Amendment Bill 2010

The President reported the receipt of Message No. 136 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Child Protection moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

26. Members' Statements

Statements were taken.

27. Message from the Lieutenant-Governor and Deputy of the Governor - Assent to Bills

The President reported the receipt of a Message from the Lieutenant-Governor and Deputy of the Governor assenting to the following Bills -

22 September 2010 - Message No. 112	Act No.
Retail Trading Hours Amendment (Armadale Special Trading Precinct) Bill 2010	36 of 2010
Retail Trading Hours Amendment (Midland Special Trading Precinct) Bill 2010	37 of 2010

28. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 12 October 2010.

Question - put and passed.

29. Adjournment

The House adjourned at 5.46pm until Tuesday, 12 October 2010 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members.

NIGEL LAKE

Acting Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council