

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 108

WEDNESDAY, 8 SEPTEMBER 2010

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. Ministerial Statement - Legislative Council - Sitting Dates 2011

The Leader of the House made a Ministerial Statement with respect to the Legislative Council Sitting Dates for 2011.

The Leader of the House tabled the Legislative Council 2011 Sitting Dates. (Tabled paper 2397).

3. Paper

The following Paper was laid on the Table by -

President

Reports -

Inspector of Custodial Services - Report of an Announced Inspection of Karnet Prison
Farm (Report No. 67) (July 2010)..... 2396

4. Environmental Protection Amendment Bill 2010

The Minister for Environment: To move on the next day of sitting -

That a Bill for "An Act to amend the *Environmental Protection Act 1986*." be introduced and read a first time.

5. Ministerial Offices - Staffing

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

That this House condemns the Premier and his Ministers for breaking the Premier's promise on the staffing cap in ministerial offices and calls on the Premier to explain how he can expect government agencies to cap their staff numbers while at the same time he condones the growth in staff numbers in ministerial offices, and calls on the Premier to -

- (a) reaffirm his commitment to the promise he made during the election campaign to cap the number of staff in ministerial offices at 150 full time equivalent; and
- (b) explain why he is amongst the worst offenders with his current staffing level of 17 employees and a driver rather than the 8.8 FTEs that he is entitled to under his own election promise.

Hon Ljiljanna Ravlich sought leave to table a document in relation to staffing numbers in Ministerial Offices.

Leave denied.

Debate resumed.

Question - put.

The House divided.

Ayes (11)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina

Hon Lynn MacLaren
Hon Ljiljanna Ravlich
Hon Ken Travers
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (17)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Brian Ellis
Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran
Hon Nigel Hallett

Hon Alyssa Hayden
Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Simon O'Brien
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Question thus negatived.

6. Small Business Development Corporation

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

- (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.

Interruption pursuant to Temporary Orders.

7. Consideration of Committee Reports and Ministerial Statements

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements.

In Committee

(Hon Michael Mischin in the Chair)

Fatalities at BHP Billiton Iron Ore sites - Ministerial Statement

Debate resumed on the motion of Hon Jon Ford, That the Ministerial Statement be noted.

Question - put and passed.

Joint Standing Committee on Delegated Legislation - Thirty-Fifth Report - Fish Resources Management Amendment Regulations (No. 3) 2009

Hon Helen Bullock moved, That the Report be noted.

8. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection tabled the Department for Child Protection's guidelines for purchasing Tier 1 and 2 properties, in response to a question without notice asked by Hon Sue Ellery. (Tabled paper 2398).

The Leader of the House representing the Minister for State Development tabled, and by leave incorporated into Hansard, a further answer in relation to the proposed coal mine in Margaret River, in response to a question without notice asked by Hon Adele Farina. (Tabled paper 2399).

The Leader of the House representing the Minister for State Development, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 2531 asked by Hon Robin Chapple will be provided on Thursday, 23 September 2010.

The Minister for Energy representing the Minister for Education tabled documents in relation to details of grants under the Community Languages Program (2007-2010), in response to question on notice No. 2632 asked by Hon Linda Savage. (Tabled paper 2400).

The Minister for Environment, in accordance with Standing Order No. 138(d), advised that an answer to questions on notice Nos 2533, 2534, 2535, 2536 and 2537 asked by Hon Robin Chapple will be provided on Tuesday, 14 September 2010.

The Minister for Environment, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 2524 asked by Hon Giz Watson will be provided in due course.

The Minister for Environment tabled documents in relation to a comprehensive species list and reports from trials relating to the restoration of the Banksia Woodland, in response to question on notice No. 2569 asked by Hon Alison Xamon. (Tabled paper 2401).

The Minister for Environment tabled documents in relation to new sites under the management of the Department of Environment and Conservation in the Swan Region (2007-2010), in response to question on notice No. 2611 asked by Hon Alison Xamon. (Tabled paper 2402).

9. Consideration of Committee Reports and Ministerial Statements

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements.

In Committee

(Hon Michael Mischin in the Chair)

Joint Standing Committee on Delegated Legislation - Thirty-Fifth Report - Fish Resources Management Amendment Regulations (No. 3) 2009

Hon Helen Bullock continued her introductory remarks in moving, That the Report be noted.

Debate ensued.

Question - put and passed.

Taxi - Optional Extension of Peak Period Operating Hours Trial - Ministerial Statement and Tabled Paper

Hon Ken Travers moved, That the Ministerial Statement and Tabled Paper be noted.

Debate ensued.

Question - put and passed.

Joint Standing Committee on Delegated Legislation - Thirty-Sixth Report - Tabling of Subsidiary Legislation in the Legislative Council

Hon Robin Chapple moved, That the Report be noted.

Interruption pursuant to Temporary Orders.

The President resumed the Chair.

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

- (1) Fatalities at BHP Billiton Iron Ore sites - Ministerial Statement and had noted same.
- (2) Joint Standing Committee on Delegated Legislation - Thirty-Fifth Report - Fish Resources Management Amendment Regulations (No. 3) 2009 and had noted same.
- (3) Taxi - Optional Extension of Peak Period Operating Hours Trial - Ministerial Statement and Tabled Paper and had noted same.
- (4) Joint Standing Committee on Delegated Legislation - Thirty-Sixth Report - Tabling of Subsidiary Legislation in the Legislative Council, made progress, and asked leave to sit again.

Report adopted.

10. 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 2, *Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2010 - Disallowance*, be taken after Order of the Day No. 4, *Public Sector Reform Bill 2009*. (Leader of the House).

11. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2010

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Minister for Training and Workforce Development moved, That the report be adopted.

Question - put and passed.

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

12. Approvals and Related Reforms (No. 1) (Environment) Bill 2009

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

In Committee

(Hon Jon Ford in the Chair)

Clause 5.

Debate resumed on the Committee Recommendation moved by Hon Adele Farina as follows -

Page 3, line 19 — To delete “(c)”.

Amendment - put and negatived.

Hon Adele Farina moved the following Committee Recommendation -

Page 3, line 24 — To delete the line.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (12)

Hon Helen Bullock
Hon Robin Chapple
Hon Adele Farina
Hon Jon Ford
Hon Lynn MacLaren
Hon Ljiljanna Ravlich

Hon Linda Savage
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 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 Simon O'Brien
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Amendment thus negatived.

Debate ensued.

The Minister for Environment moved -

Page 3, after line 28 — To insert —

(1A) Delete section 100(2).

Amendment - put and passed.

Debate ensued.

The Minister for Environment moved -

Page 4, after line 6 — To insert —

(aa) delete paragraph (d) and “or” after it;

Amendment - put and passed.

Debate ensued.

Clause, as amended, agreed to.

Clause 6.

The Minister for Environment moved -

Page 4, after line 14 — To insert —

(aa) delete “section 100(1), (2)” and insert:

section 100(1)

Amendment - put and passed.

Debate ensued.

The Minister for Environment moved -

Page 4, lines 26 to 30 — To delete the lines and insert —

(d) delete paragraph (dc);

Amendment - put and passed.

Debate ensued.

The Minister for Environment moved -

Page 5, line 1 — To delete “(d), (db) and (dc)” and insert —

(d) and (db)

Amendment - put and passed.

The Minister for Environment moved -

Page 5, after line 5 — To insert —

(1A) In section 101(2) delete “(c), (d) or (dc)” and insert:

(c) or (d)

Amendment - put and passed.

Debate ensued.

The Minister for Environment moved -

Page 5, line 10 — To delete “or (2)”.

Amendment - put and passed.

Debate ensued.

Clause, as amended, agreed to.

Clause 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clause 11 agreed to.

Clause 12.

Debate ensued.

Clause agreed to.

Clause 13.

Debate ensued.

Clause agreed to.

Clauses 14 to 17 agreed to.

New Clause 5A.

The Minister for Environment moved -

Page 3, after line 10 — To insert —

5A. Section 48F amended

In section 48F(3)(a) delete “section 100(3a)(d); or” and insert:

section 100(3a)(c); or

Debate ensued.

New Clause - put and passed.

New Clause 18.

Hon Giz Watson moved -

Page 10, after line 25 — To insert —

18. Section 122 deleted

Delete section 122.

Debate ensued.

The Minister for Environment moved, That progress be reported and leave asked to sit again.
Question - put and passed.

The President resumed the Chair.

The Deputy 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.

13. Order of Business

Ordered - That Bills for Introduction be taken forthwith. (Leader of the House).

14. Statutes (Repeals and Minor Amendments) Bill 2010

The Parliamentary Secretary representing the Attorney General, pursuant to notice, moved -

That a Bill for “An Act to amend the statute law by repealing various written laws and making minor amendments to various other written laws.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

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

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

15. Order of Business

Ordered - That Members’ Statements be taken forthwith. (Leader of the House).

16. Members’ Statements

Statements were taken.

17. Misuse of Drugs Amendment Bill 2010

The President reported the receipt of Message No. 127 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.

18. Railway (Roy Hill Infrastructure Pty Ltd) Agreement Bill 2010

The President reported the receipt of Message No. 128 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for State Development moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House representing the Minister for State Development moved, That the Bill be now read a second time.

The Leader of the House representing the Minister for State Development tabled the Railway (Roy Hill Infrastructure Pty Ltd) Agreement 2010. (Tabled paper 2403).

The Leader of the House representing the Minister for State Development tabled a map in relation to the Railway (Roy Hill Infrastructure Pty Ltd) Agreement 2010. (Tabled paper 2404).

Debate stands adjourned.

19. Adjournment

The House adjourned at 10.35pm until Thursday, 9 September 2010 at 10.00am.

Members present during the day's proceedings

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

NIGEL LAKE

Acting Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council