

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 34

WEDNESDAY, 3 JUNE 2009

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### 1. Meeting of Council

The Council assembled at 4.00pm pursuant to order.

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

### 2. Papers

The following Papers were laid on the Table by -

#### Minister for Energy

##### *Local Laws* -

|                                                                                                        |     |
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| Local Government Act 1995 (Shire of Cunderdin Dogs (Amendment) Local Law 2009<br>G.G. 29/05/2009)..... | 831 |
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##### *Regulations* -

|                                                                                                                                                   |     |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Pawnbrokers and Second-hand Dealers Act 1994 (Pawnbrokers and Second-hand Dealers<br>Amendment Regulations 2009 G.G. 26/05/2009).....             | 832 |
| Police Act 1892 (Police (Fees) Amendment Regulations 2009 G.G. 26/05/2009).....                                                                   | 833 |
| Security and Related Activities (Control) Act 1996 (Security and Related Activities (Control)<br>Amendment Regulations 2009 G.G. 26/05/2009)..... | 834 |

#### Minister for Child Protection

##### *Addendums* -

|                                                                |     |
|----------------------------------------------------------------|-----|
| Subiaco Redevelopment Authority Annual Report (2007-2008)..... | 835 |
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##### *Regulations* -

|                                                                                                                                       |     |
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| Stock (Identification and Movement) Act 1970 (Stock (Identification and Movement)<br>Amendment Regulations 2009 G.G. 29/05/2009)..... | 836 |
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### 3. Select Committee into the Iron Ore Industry of Western Australia - Establishment

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

That -

- (1) A select committee of three members is appointed, any two of whom constitute a quorum.
- (2) The committee is to inquire into and report on -

- (a) the content and terms of the iron ore policy including and in relation to -
  - (i) the allocation and grant of iron ore tenure;
  - (ii) the grant of certificates of exemption under section 102A of the *Mining Act 1978 (WA)*;
  - (iii) the grant of extensions of term under section 61(2) of the *Mining Act 1978 (WA)* in respect of exploration licences which are authorised for iron ore under section 111 of the *Mining Act 1978 (WA)*; and
  - (iv) the basis upon which exploration licences authorised for iron ore under section 111 of the *Mining Act 1978 (WA)* have been permitted to be utilised as holding titles;
- (b) the relationship between the iron ore policy and the use of state agreements to facilitate the development of iron ore projects;
- (c) the extent to which the iron ore policy has been the subject of review and variation including by the Department of Industry and Resources;
- (d) whether the existence and terms of the iron ore policy have been adequately disclosed, including to new entrants and potential new entrants into the iron ore industry;
- (e) the current operation of the iron ore policy including -
  - (i) the impact of the iron ore policy upon -
    - (A) investment in iron ore exploration in the State; and
    - (B) iron ore royalties and other revenues received by the State (in relation to both quantum and time of receipt);
  - (ii) whether the iron ore policy is anti-competitive in the current market in that it prevents the turn-over of ground and thereby -
    - (A) preserves the market power of existing members of the iron ore industry; and
    - (B) operates as a barrier to entry to new entrants into the market;
- (f) whether the original rationale for the iron ore policy remains applicable today;
- (g) whether there is still any need to treat iron ore differently to other mineral commodities under the *Mining Act 1978 (WA)*; and
- (h) whether it is still necessary and appropriate to use government agreements to facilitate the development of iron ore resources or whether the *Mining Act 1978 (WA)* provides an adequate and appropriate vehicle.

(3) The committee is to report to the House no later than 12 March 2009.

On the motion of the Leader of the House the debate was adjourned to the next sitting.

#### **4. Water Catchments - South West Recovery Program**

Motion No. 2 having been called, Hon Giz Watson, pursuant to notice, moved -

That in the light of the declining rainfall and catastrophic decline in surface water inflow to our dams, and the impact of salinity on our South West water catchments this House calls on the Government to implement as a matter of priority a comprehensive upper catchment recovery program based on farm forestry that aims to restore water and salt balance in the six key water catchments in the region.

*Interruption of Debate [SO 195].*

## **5. Questions Without Notice**

Questions without notice were taken.

The Minister for Transport tabled documents in relation to a list of road and pedestrian rail crossings which require maintenance, improvements, upgrades or replacements, in response to question on notice No. 706 asked by Hon Ken Travers. (Tabled paper 837).

The Minister for Community Services tabled documents in relation to the services of the Department for Communities by service group, in response to a question without notice asked by Hon Sue Ellery. (Tabled paper 838).

## **6. Order of Business**

Ordered - That Orders of the Day Nos 2, *Occupational Safety and Health Amendment Regulations 2008 - Disallowance*, 3, *Children and Community Services Amendment Regulations 2008 - Disallowance*, 4, *Genetically Modified Crops Free Areas Exemption Order (No. 2) 2009 - Disallowance*, 5, *Fish Resources Management Amendment Regulations (No. 3) 2009 - Disallowance*, 6, *Psychologists Amendment Regulations 2009 - Disallowance*, 7, *City of Joondalup - Local Government and Public Property Amendment Local Law (No. 2) 2008 - Disallowance*, 8, *Southern Metropolitan Regional Council Standing Orders Local Law 2008 - Disallowance*, and 9, *City of Gosnells - Local Government Property Local Law 2009 - Disallowance*, be taken after Order of the Day No. 20, *Child Exploitation Material and Classification Legislation Amendment Bill 2009*. (Leader of the House).

## **7. State Administrative Tribunal Amendment Rules (No. 2) 2008 - Disallowance**

Hon Ed Dermer, pursuant to notice, moved -

That the *State Administrative Tribunal Amendment Rules (No. 2) 2008* published in the *Gazette* on 29 August 2008 and tabled in the Legislative Council on 25 November 2008 under the *State Administrative Tribunal Act 2004*, be and are hereby disallowed.

Hon Ed Dermer moved without notice -

Line 1 — To insert after “That” —  
“ Amendment Rule 5 of ”.

Debate ensued.

Amendment - put and passed.

Leave was granted to the Minister for Transport to continue his remarks at a later stage of the debate.

On the motion of the Leader of the House, the debate was adjourned to a later stage of this day's sitting.

## **8. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2009-2010**

The Order of the Day No. 10 having been called, debate resumed 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. 773A-H (2009-2010 Budget Statements), laid upon the Table of the House on 14 May 2009.

On the motion of the Leader of the House, the debate was adjourned to a later stage of this day's sitting.

## **9. Order of Business**

Ordered - That Order of the Day No. 1, *State Administrative Tribunal Amendment Rules (No. 2) 2008 - Disallowance*, be now taken. (Leader of the House).

**10. State Administrative Tribunal Amendment Rules (No. 2) 2008 - Disallowance**

Debate resumed on the motion, as amended, of Hon Ed Dermer (cf item 7 above).

Question - put and negated.

**11. Order of Business**

Ordered - That Order of the Day No. 10, *Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2009-2010*, be now taken. (Minister for Transport).

**12. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2009-2010**

The Order of the Day No. 10 having been called, debate resumed 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. 773A-H (2009-2010 Budget Statements), laid upon the Table of the House on 14 May 2009.

Hon Ljiljanna Ravlich, by leave, tabled the document *Training WA - Planning for the Future 2009-2018*. (Tabled paper 839).

Hon Ljiljanna Ravlich, by leave, tabled the document *Skills for Western Australia - A Plan to Transform the Training System 2008-2018*. (Tabled paper 840).

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

**13. Adjournment**

The Leader of the House moved, That the House do now adjourn.

Debate ensued.

Question - put and passed.

The House adjourned at 10.29pm until Thursday, 4 June 2009 at 11.00am.

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

Attendance: Present all Members except Hon Jon Ford.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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