

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 122

TUESDAY, 9 NOVEMBER 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 His Excellency the Governor - Assent to Bills

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

28 October 2010 - Message No. 117	Act No.
Approvals and Related Reforms (No. 1) (Environment) Bill 2009	40 of 2010
Cement Works (Cockburn Cement Limited) Agreement Amendment Bill 2010	41 of 2010
Petroleum and Energy Legislation Amendment Bill 2009	42 of 2010
Railway (Roy Hill Infrastructure Pty Ltd) Agreement Bill 2010	43 of 2010
Misuse of Drugs Amendment Bill 2010	44 of 2010
Cannabis Law Reform Bill 2009	45 of 2010
Agriculture and Related Resources Protection Amendment Bill 2010	46 of 2010

3. Petition

Hon Robin Chapple presented a petition from 1,045 petitioners requesting the Legislative Council undertake a review of the consultation process, reporting and public comment period for the strategic assessment in relation to the Liquefied Natural Gas hub at James Price Point. (Tabled paper 2795).

4. Ministerial Statement - Coalfields Highway - Roelands Hill Section - Safety Improvements

The Minister for Transport made a Ministerial Statement with respect to steps taken to improve safety on the Roelands Hill section of the Coalfields Highway.

The Minister for Transport tabled a summary report by Main Roads WA entitled *Crash Location Report and Safe System Review Coalfields Highway (October 2010)*. (Tabled paper 2796).

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

5. Ministerial Statement - Kimberley Region - Conservation Initiatives

The Minister for Environment made a Ministerial Statement with respect to conservation initiatives in the Kimberley Region.

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

6. Papers

The following Papers were laid on the Table by -

President

Reports -

Inspector of Custodial Services - Report of an Announced Inspection of Casuarina Prison (Report No. 68) (September 2010)..... 2755

Leader of the House

Annual Reports -

Greyhound Racing Association (2009-2010) (Date received 28/10/2010) 2756

Racing and Wagering (2009-2010) (Date received 28/10/2010) 2757

Directions -

Workers' Compensation and Injury Management Act 1981 (WorkCover WA Guides for the evaluation of Permanent Impairment - Third Edition G.G. 01/11/2010)..... 2758

Management Plans -

Fish Resources Management Act 1994 (Shark Bay Snapper Management Plan Revocation 2010 [978] G.G. 22/10/2010 and Gascoyne Demersal Scalefish Management Plan 2010 G.G. 22/10/2010)..... 2759

Fish Resources Management Act 1994 (West Coast Estuarine Fishery (Interim) Management Plan Amendment 2010 G.G. 03/11/2010 and West Coast Rock Lobster Management Plan Amendment (No. 11) 2010 [988] G.G. 05/11/2010)..... 2760

Orders -

Fish Resources Management Act 1994 (Shark Bay Line Fishing (Amendment and Revocation of Orders) Order 2010 [867] G.G. 22/10/2010) 2761

Regulations -

Liquor Control Act 1988 (Liquor Control Amendment Regulations (No. 4) 2010 G.G. 22/10/2010).... 2762

Liquor Control Act 1988 (Liquor Control (Oombulgurri Restricted Area) Amendment Regulations 2010 G.G. 05/11/2010) 2763

Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment Regulations (No. 4) 2010 G.G. 02/11/2010)..... 2764

Public Sector Management Act 1994 (Public Sector Management (General) Amendment Regulations (No. 2) 2010 G.G. 22/10/2010)..... 2765

Public Sector Management Act 1994 (Public Sector Management (Redeployment and Redundancy) Amendment Regulations 2010 G.G. 05/11/2010 and Public Sector Management (General) Amendment Regulations 2010 G.G. 05/11/2010)..... 2766

Retail Trading Hours Act 1987 (Retail Trading Hours (Special Trading Precincts and Holiday Resorts) Regulations (No. 2) 2010 G.G. 22/10/2010) 2767

Salaries and Allowances Act 1975 (Salaries and Allowances Amendment Regulations 2010 G.G. 29/10/2010)..... 2768

Workers' Compensation and Injury Management Act 1981 (Workers' Compensation and Injury Management (Scales of Fees) Amendment Regulations 2010 G.G. 29/10/2010).....	2769
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Reports -

Interstate and Overseas Travel undertaken by Members of Parliament Funded by the Imprest System (For the three months ended 30 June 2010).....	2770
Ministerial Resourcing Report (as at 28/10/2010).....	2771

Rules -

Racing and Wagering Western Australia Act 2003 (Rules of Wagering Amendment Rules (No. 2) 2010 G.G. 19/10/2010).....	2772
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Minister for Transport

Local Laws -

Health Act 1911 (Shire of Koorda Health Amendment Local Law 2010 G.G. 26/10/2010).....	2773
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Notices -

Rail Safety Act 1998 (Rail Safety (BHP Billiton Iron Ore Railway) Exemption Notice 2010 G.G. 22/10/2010).....	2774
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Orders -

Poisons Act 1964 (Poisons (Appendix A Amendment) Order 2010 G.G. 22/10/2010).....	2775
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Regulations -

Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations (No. 3) 2010 G.G. 22/10/2010).....	2776
Poisons Act 1964 (Poisons Amendment Regulations (No. 7) 2010 G.G. 22/10/2010).....	2777
Rail Safety Act 1998 (Rail Safety Amendment Regulations (No. 2) 2010 G.G. 26/10/2010).....	2778
Shipping and Pilotage Act 1967 (Shipping and Pilotage (Ports and Harbours) Amendment Regulations (No. 4) 2010 G.G. 29/10/2010).....	2779

Reports -

Law Reform Commission of Western Australia - Selection, Eligibility and Exemption of Jurors - Final Report, (Project No. 99) (April 2010).....	2780
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Minister for Energy

By-laws -

Curtin University of Technology Act 1966 (Land and Traffic Amendment By-laws 2010 G.G. 19/10/2010).....	2781
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Local Laws -

Cemeteries Act 1986 (Shire of Esperance Cemeteries Amendment Local Law 2010 G.G. 05/11/2010).....	2782
Dog Act 1976 (City of Melville Dog Amendment Local Law 2010 G.G. 22/10/2010).....	2783
Local Government Act 1995 (City of Melville Repeal Local Law 2010 G.G. 22/10/2010 and City of Melville Parking Facilities Amendment Local Law 2010 G.G. 22/10/2010).....	2784
Local Government Act 1995 (Shire of Wongan-Ballidu Local government (Council Meetings) Local Law 2010 G.G. 05/11/2010).....	2785

Regulations -

Animal Welfare Act 2002 (Animal Welfare (Pig Industry) Regulations 2010 G.G. 05/11/2010).....	2786
Bush Fires Act 1954 (Bush Fires Amendment Regulations (No. 3) 2010 G.G. 05/11/2010).....	2787

Minister for Child Protection*Regulations -*

Armadale Redevelopment Act 2001 (Armadale Redevelopment Amendment Regulations 2010 G.G. 26/10/2010).....	2788
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Minister for Environment*Leases -*

CALM Lease No. 1275/97 - Between CALM and Alcoa of Australia Limited: Water Supply for commercial use, part of State Forest No's. 14 and 23	2789
CALM Lease No. 1772/97 - Between CALM and Swan Transit Group Pty Ltd: Bus Parking Site, part of State Forest No. 22	2790

Parliamentary Secretary representing the Treasurer*Reports -*

Insurance Commission - Statement of Corporate Intent (2010-2011) (Deemed tabled 26/10/2010)	2791
Treasury Corporation - Statement of Corporate Intent (2010-2011) (Deemed tabled 26/10/2010)	2792

Parliamentary Secretary to the Attorney General*Rules -*

Legal Profession Act 2008 (Legal Profession Amendment Rules 2010 G.G. 26/10/2010).....	2793
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7. Standing Committee on Procedure and Privileges - Standing Orders Review - Extension of Reporting Time

The President presented a Special Report of the Standing Committee on Procedure and Privileges in relation to the *Standing Orders Review* seeking an extension of time for the Committee to report from 25 November 2010 to 24 March 2011. (Tabled paper 2794).

The Leader of the House moved, That the Report do lie upon the Table and be adopted and agreed to.

Question - put and passed.

8. Road Traffic Legislation Amendment (Information) Bill 2010

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

That a Bill for "An Act to amend —

- the *Road Traffic Act 1974*; and
- the *Road Traffic (Administration) Act 2008*; and
- the *Road Traffic (Authorisation to Drive) Act 2008*,

in relation to the disclosure of certain classes of information, the provision of photographs and signatures for use on learner's permits, and for related purposes." be introduced and read a first time.

9. Forest Management Amendment Regulations (No. 2) 2010 - Withdrawn from Notice Paper

Hon Robin Chapple, by leave, moved, without notice -

That Motion for Disallowance No. 3, *Forest Management Amendment Regulations (No. 2) 2010*, be withdrawn from the Notice Paper.

Question - put and passed.

10. Conservation and Land Management Amendment Regulations (No. 2) 2010 - Withdrawn from Notice Paper

Hon Robin Chapple, by leave, moved, without notice -

That Motion for Disallowance No. 2, *Conservation and Land Management Amendment Regulations (No. 2) 2010*, be withdrawn from the Notice Paper.

Question - put and passed.

11. Order of Business

Ordered - That Orders of the Day Nos 1, *Shire of Roebourne Parking and Parking Facilities Local Law 2010 - Disallowance*, 2, *Western Australian Meat Industry Authority Amendment Regulations (No. 2) 2010 - Disallowance*, 3, *Occupational Safety and Health Amendment Regulations (No. 5) 2010 - Disallowance*, and 5, *Shire of Koorda Cemeteries Amendment Local Law 2010 - Disallowance*, be taken after Order of the Day No. 11, *Criminal Investigation Amendment Bill 2009*. (Leader of the House).

12. Co-operatives Regulations 2010 - 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, *Co-operatives Regulations 2010 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

13. Prohibited Behaviour Orders Bill 2010

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

Debate resumed.

Hon Alison Xamon moved, without notice -

That the *Prohibited Behaviour Orders Bill 2010* be discharged and referred to the Standing Committee on Legislation for consideration and report not later than Tuesday, 15 February 2011.

14. Questions Without Notice

Questions without notice were taken.

The Minister for Transport tabled documents in relation to codes of conduct for the Public Transport Authority, Main Roads WA and the Department for Planning and Infrastructure, in response to question on notice No. 2862 asked by Hon Ken Travers. (Tabled paper 2797).

15. Prohibited Behaviour Orders Bill 2010

Debate resumed on the motion of Hon Alison Xamon as follows -

That the *Prohibited Behaviour Orders Bill 2010* be discharged and referred to the Standing Committee on Legislation for consideration and report not later than Tuesday, 15 February 2011.

Interruption pursuant to Temporary Orders.

16. Members' Statements

Statements were taken.

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

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 147

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2010* without amendment.

Mr M.W. Sutherland

Deputy Speaker

Legislative Assembly Chamber

Perth, 9 November 2010

18. Adjournment

The House adjourned at 10.26pm until Wednesday, 10 November 2010 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Ed Dermer, Hon Wendy Duncan and Hon Giz Watson.

NIGEL LAKE

Acting Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council