

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 48

WEDNESDAY, 9 SEPTEMBER 2009

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. Statement by President - Urgency Motions - Standing Order 72

The President made the following Statement -

Further to my statement yesterday regarding urgency motions, I advise the House that in future all urgency motions must be hand delivered to either myself or, if I am unavailable, to the Clerk on the day the motion is to be debated. Faxed or emailed urgency motions will not be accepted unless they are also hand delivered by the Member or their staff.

3. Ministerial Statement - Mandurah Entrance Road Project

The Minister for Transport made a Ministerial Statement with respect to the commencement of works on the \$155 million Mandurah Entrance Road Project.

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

4. Ministerial Statement - Review of Verve Energy

The Minister for Energy made a Ministerial Statement with respect to the review of Verve Energy's financial position and performance.

The Minister for Energy tabled a report entitled *Verve Energy Review, August 2009* by Deloitte. (Tabled paper 1118).

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

5. Ministerial Statement - Metropolitan Region Scheme Amendment No. 1160/41 - Helena Valley Precinct

The Minister for Child Protection representing the Minister for Planning made a Ministerial Statement with respect to Metropolitan Region Scheme Amendment No. 1160/41, which will facilitate the residential development of approximately 29.65ha of land in Helena Valley.

The Minister for Child Protection representing the Minister for Planning, tabled documents in relation to Metropolitan Region Scheme Amendment No. 1160/41 - Helena Valley Precinct, Shire of Mundaring. (Tabled papers 1119 and 1120A-B).

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

6. Papers

The following Papers were laid on the Table by -

Minister for Energy

Local Laws -

Local Government Act 1995 (Shire of Dardanup Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2009 G.G. 04/09/2009) 1098

Regulations -

Local Government Act 1995 (Local Government (Constitution) Amendment Regulations 2009 G.G. 28/08/2009 and Local Government (Elections) Amendment Regulations (No. 2) 2009 G.G. 28/08/2009)..... 1099

Minister for Child Protection

Local Laws -

Agriculture and Related Resources Protection Act 1976 (Shire of Bridgetown-Greenbushes - Pest Plants Local Law 2009 G.G. 28/08/2009) 1100

Minister for Environment

Orders -

Conservation and Land Management Act 1984 (Walpole and Nornalup Inlets Marine Park Amendment Order 2009 G.G. 01/09/2009)..... 1101

Environmental Protection Act 1986 (Environmental Protection (Ozone Protection) Policy Revocation Order 2009 G.G. 01/09/2009) 1102

Regulations -

Conservation and Land Management Act 1984 (Conservation and Land Management Amendment Regulations 2009 G.G. 28/08/2009)..... 1103

Minister for Environment on behalf of the Parliamentary Secretary representing the Minister for Regional Development

Regulations -

Licensed Surveyors Act 1909 (Licensed Surveyors (Licensing and Registration) Amendment Regulations 2009 G.G. 01/09/2009)..... 1104

Parliamentary Secretary to the Attorney General

Regulations -

Children's Court of Western Australia Act 1988 (Children's Court (Fees) Amendment Regulations (No. 2) 2009 G.G. 04/09/2009)..... 1105

Civil Judgments Enforcement Act 2004 (Civil Judgments Enforcement Amendment Regulations (No. 3) 2009 G.G. 04/09/2009) 1106

Coroners Act 1996 (Coroners Amendment Regulations 2009 G.G. 04/09/2009) 1107

District Court of Western Australia Act 1969 (District Court (Fees) Amendment Regulations (No. 2) 2009 G.G. 04/09/2009) 1108

Evidence Act 1906 (Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2009 G.G. 04/09/2009) 1109

Magistrates Court Act 2004 (Magistrates Court (Fees) Amendment Regulations (No. 2) 2009 G.G. 04/09/2009).....	1110
State Administrative Tribunal Act 2004 (State Administrative Tribunal Amendment Regulations 2009 G.G. 04/09/2009)	1111
Supreme Court Act 1935 (Supreme Court (Fees) Amendment Regulations (No. 2) 2009 G.G. 04/09/2009).....	1112

Parliamentary Secretary representing the Treasurer

Regulations -

Electricity Act 1945 (Electricity (Licensing) Amendment Regulations (No. 5) 2009 G.G. 01/09/2009).....	1113
Energy Safety Act 2006 (Energy Safety Amendment Regulations 2009 G.G. 25/08/2009)	1114
Local Government (Miscellaneous Provisions) Act 1960 (Building Amendment Regulations (No. 4) 2009 G.G. 01/09/2009).....	1115
Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment Regulations (No. 5) 2009 G.G. 25/08/2009).....	1116
Real Estate and Business Agents Act 1978 (Real Estate and Business Agents (General) Amendment Regulations (No. 3) 2009 G.G. 28/08/2009).....	1117

7. Standing Committee on Procedure and Privileges - Standing Orders Review

The Leader of the House: To move on the next day of sitting -

- (1) That the Standing Committee on Procedure and Privileges be required to undertake a comprehensive review of the Standing Orders of the House with a view to modernising the procedures of the House.
- (2) The Committee is to report to the House not later than 2 March 2010.

8. Appropriate Resourcing for Western Australian Not-for-Profit Sector

Motion No. 1 having been called, debate resumed on the amendment of the Minister for Child Protection as follows -

To delete all words after “notes the” and insert —

“ impact that the Global Financial Crisis is having upon the community, and notes the Government’s continued work towards providing appropriate resources to the not-for-profit sector. ”,

to the motion of Hon Sue Ellery as follows -

That this House notes the changing demands for assistance on the Western Australian not-for-profit sector and calls on the Barnett Government to ensure the sector has appropriate resources and capacity to meet demand.

Amendment - put and passed.

Motion, as amended - put and passed.

9. Child Death Review Committee - Recommendations

Motion No. 2 having been called, Hon Sue Ellery, pursuant to notice, moved -

That this House notes the recommendations of the *Group Analysis of Aboriginal Child Death Review Cases in which Chronic Neglect is Present* report of the Child Death Review Committee and calls on the Minister for Child Protection to provide quarterly reports to the House on the implementation of those recommendations.

Debate ensued.

10. Questions Without Notice

Questions without notice were taken.

The Minister for Transport tabled documents in relation to Perth CBD public transport patronage figures, in response to a question without notice asked by Hon Ken Travers. (Tabled paper 1121).

The Minister for Fisheries tabled documents in relation to a submission on the Fremantle Ports Inner Harbour Deepening Project in response to a question without notice asked by Hon Jon Ford. (Tabled paper 1137).

The Minister for Environment on behalf of the Parliamentary Secretary representing the Minister for Lands tabled documents in relation to road closures on pastoral leases, Whim Creek Road, Shire of Port Hedland, in response to a question without notice asked by Hon Helen Bullock. (Tabled paper 1122).

The Minister for Transport tabled documents in relation to ex gratia payments approved by agencies in the Minister for Transport's portfolio since 23 September 2008, in response to question on notice No. 870 asked by Hon Ljiljanna Ravlich. (Tabled paper 1123).

The Minister for Transport tabled documents in relation to the Minister for Transport's record of complaints received by agencies within the Minister for Transport's portfolio since 23 September 2008, in response to question on notice No. 1074 asked by Hon Ljiljanna Ravlich. (Tabled paper 1124).

The Minister for Environment tabled documents in relation to the Minister for Environment's record of contact with lobbyists since 23 September 2008, in response to question on notice No. 832 asked by Hon Ljiljanna Ravlich. (Tabled paper 1125).

The Minister for Environment on behalf of the Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to the Business and Marketing Plan 2009-2013 of the Shark Bay World Heritage Discovery and Visitor Centre, in response to question on notice No. 917 asked by Hon Matt Benson-Lidholm. (Tabled paper 1126).

The Parliamentary Secretary representing the Minister for Water tabled documents in relation to the Minister for Water's record of contact with lobbyists since 23 September 2008, in response to question on notice No. 859 asked by Hon Ljiljanna Ravlich. (Tabled paper 1127).

The Parliamentary Secretary representing the Treasurer representing the Minister for Health tabled documents in relation to the Minister for Health's record of contact with lobbyists since 23 September 2008, in response to question on notice No. 860 asked by Hon Ljiljanna Ravlich. (Tabled paper 1128).

11. Child Death Review Committee - Recommendations

Hon Sue Ellery continued her introductory remarks on the motion (cf item 9 above).

Interruption of Debate [SO 195].

12. Order of Business

Ordered - That Orders of the Day Nos 1, *City of Joondalup Cats Local Law 2008 - Disallowance*, and 2, *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009 - Disallowance*, be taken after Order of the Day No. 15, *Road Traffic Amendment (Hoons) Bill 2009*. (Leader of the House).

13. Criminal Code Amendment Bill 2008

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

The Parliamentary Secretary representing the Attorney General 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.

14. Revenue Laws Amendment (Taxation) Bill 2009

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

Debate resumed.

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

15. Co-operatives Bill 2009

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

Debate ensued.

Hon Lynn MacLaren, by leave, tabled a list of housing co-operatives in Western Australia. (Tabled paper 1129).

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

16. Order of Business

Ordered - That Order of the Day No. 11, *Revenue Laws Amendment (Taxation) Bill 2009*, be taken forthwith. (Leader of the House).

17. Revenue Laws Amendment (Taxation) Bill 2009

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.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Parliamentary Secretary representing the Treasurer moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

18. Tobacco Products Control Amendment Bill 2008

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.

The Deputy President left the Chair.

In Committee

(Hon Michael Mischin in the Chair)

Clause 1 agreed to.

Clauses 2 to 6 agreed to.

Clause 7.

The Minister for Transport moved -

Page 4, after line 25 — To insert —

- (4) A responsible person in relation to licensed premises may allocate as a smoking zone for the premises one or more places in one or more outdoor eating areas to which a restaurant licence does not apply, but the total area of all the smoking zones for the premises must not exceed 50% of the total area of all the outdoor eating areas to which a restaurant licence does not apply.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 8 to 10 agreed to.

Clause 11.

Debate ensued.

The Minister for Transport moved -

Page 9, line 19 — To delete “that — ” and insert —

allocated under section 107B(4);

Amendment - put and passed.

The Minister for Transport moved -

Page 9, lines 20 to 25 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

New Clause 6A.

The Minister for Transport moved -

Page 3, after line 10 — To insert —

6A. Section 24 amended

In section 24(1) after “products” insert:

or smoking implements

New Clause - put and passed.

New Clause 6B.

The Minister for Transport moved -

Page 3, after line 10 — To insert —

6B. Section 32 amended

In section 32(1):

(a) in paragraph (d) after “tobacco products” insert:

or smoking implements

(b) in paragraph (d) after “those products” insert:

or implements

(c) in paragraph (f) after “product” insert:

or smoking implement

New Clause - put and passed.

Title agreed to.

The President resumed the Chair.

Bill reported with amendments.

Report adopted.

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

19. Local Government Amendment Bill 2009

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 40

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Local Government Amendment Bill 2009* without amendment.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 8 September 2009

20. Cross-border Justice Amendment Bill 2009

The President reported the receipt of Message No. 41 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now 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 the Bill referred to the Standing Committee on Uniform Legislation and Statutes Review.

21. Acts Amendment (Bankruptcy) Bill 2009

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 42

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Acts Amendment (Bankruptcy) Bill 2009* without amendment.

Mrs L.M. Harvey

Acting Speaker

Legislative Assembly Chamber

Perth, 9 September 2009

22. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.45pm until Thursday, 10 September at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Mia Davies, Hon Wendy Duncan, Hon Nigel Hallett, Hon Colin Holt and Hon Max Trenorden.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council