

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 106

THURSDAY, 19 AUGUST 2010

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**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. Ministerial Statement - ACTIV Business Service - Busselton**

The Minister for Disability Services made a Ministerial Statement with respect to the planned closure of the ACTIV Business Service in Busselton and ensuing discussions with local business leaders to maintain the continued operation of the service.

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

**3. Ministerial Statement - Skills West Expo - Careers and Training Opportunities**

The Minister for Training and Workforce Development made a Ministerial Statement with respect to the Skills West Expo to be held at the Perth Convention and Exhibition Centre to highlight career and training opportunities in Western Australia.

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

**4. Ministerial Statement - Greater Bunbury Region Scheme Amendment No. 0008/41 - Shire of Dardanup**

The Leader of the House on behalf of the Minister for Child Protection representing the Minister for Planning made a Ministerial Statement with respect to the Greater Bunbury Region Scheme Amendment No. 0008/41 - Shire of Dardanup.

The Leader of the House on behalf of the Minister for Child Protection representing the Minister for Planning tabled a plan in relation to the Greater Bunbury Region Scheme Amendment No. 0008/41 - Shire of Dardanup. (Tabled paper 2361).

The Leader of the House on behalf of the Minister for Child Protection representing the Minister for Planning tabled a Report on Submissions in relation to the Greater Bunbury Region Scheme Amendment No. 0008/41 - Dardanup Townsite Expansion - Shire of Dardanup (June 2010). (Tabled paper 2362).

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

## 5. Papers

The following Papers were laid on the Table by -

### Leader of the House

#### *Reports -*

Consultants Engaged by Government (For the six months ended 31 December 2009)..... 2358

Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and  
Officers on Official Business (For the three months ended 30 September 2009) ..... 2359

Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and  
Officers on Official Business (For the three months ended 31 December 2009)..... 2360

## 6. Standing Committee on Estimates and Financial Operations - Twenty-Eighth Report - Annual Hearings in Relation to the Budget Estimates 2010/11

Hon Giz Watson presented the Twenty-Eighth Report of the Standing Committee on Estimates and Financial Operations in relation to the *Annual Hearings in Relation to the Budget Estimates 2010/11*. (Tabled paper 2363).

Hon Giz Watson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

## 7. Standing Committee on Estimates and Financial Operations - Twenty-Ninth Report - Budget Estimates 2009/10

Hon Giz Watson presented the Twenty-Ninth Report of the Standing Committee on Estimates and Financial Operations in relation to the *Budget Estimates 2009/10*. (Tabled paper 2364).

Hon Giz Watson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

## 8. Standing Committee on Estimates and Financial Operations - Thirtieth Report - Agency Annual Reports 2008/09

Hon Giz Watson presented the Thirtieth Report of the Standing Committee on Estimates and Financial Operations in relation to the *Agency Annual Reports 2008/09*. (Tabled paper 2365).

Hon Giz Watson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

## 9. National Broadband Network - Expansion

Non-Government Business No. 1 having been called, Hon Kate Doust moved, without notice -

That this House calls on the Barnett Government to endorse the expansion of the National Broadband Network proposed by the Gillard Government to support business, industry and residential users across the State, giving them high speed internet access, while at the same time avoiding the construction of numerous unsightly wireless towers in residential areas.

Debate ensued.

Motion lapsed pursuant to Temporary Orders.

## **10. Order of Business**

Ordered - That Orders of the Day Nos 1, *Shire of Dardanup Standing Orders Local Law 2009 - Disallowance*, 2, *Shire of Capel - Keeping and Welfare of Cats Amendment Local Law 2009 - Disallowance*, 3, *Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2010 - Disallowance*, 4, *Petroleum and Geothermal Energy Resources (Occupational Safety and Health) Regulations 2010 - Disallowance*, and 5, *Petroleum Pipelines (Occupational Safety and Health) Regulations 2010 - Disallowance*, be taken after Order of the Day No. 6, *Approvals and Related Reforms (No. 1) (Environment) Bill 2009*. (Leader of the House).

## **11. Health Practitioner Regulation National Law (WA) Bill 2010**

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

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

The Deputy 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.

Question - put and passed.

Bill read a third time and passed.

## **12. Pharmacy Bill 2010**

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

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

The Deputy 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.

Question - put and passed.

Bill read a third time and passed.

## **13. Health and Disability Services Legislation Amendment Bill 2009**

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

Debate ensued.

On the motion of Hon Ed Dermer the debate was adjourned to a later stage of this day's sitting.

## **14. Building and Construction Industry Training Fund and Levy Collection 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.

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### **In Committee**

(Hon Matt Benson-Lidholm in the Chair)

Clauses 1 to 3 agreed to.

Clause 4.

The Minister for Training and Workforce Development moved -

Page 2, after line 13 — To insert —

(aa) delete paragraph (d) and insert:

(d) Master Plumbers and Gasfitters Association of Western Australia;  
and

Amendment - put and passed.

Debate ensued.

Hon Alison Xamon moved -

Page 2, lines 19 and 20 — To delete the lines and insert —

(g) the Construction, Forestry, Mining and Energy Union of Workers; and

Amendment - put and passed.

Hon Alison Xamon moved -

Page 2, lines 23 and 24 — To delete the lines and insert —

(ia) the Australian Workers' Union, West Australian Branch, Industrial  
Union of Workers; and

Amendment - put and passed.

Hon Alison Xamon moved -

Page 2, after line 24 — To insert —

(ib) the Communications, Electrical and Plumbing Union of Western  
Australia; and

Amendment - put and passed.

The Minister for Training and Workforce Development moved -

Page 2, line 26 — To delete “(a) to (e)” and insert —

(a), (b), (c) and (e)

Amendment - put and passed.

Debate resumed.

Clause, as amended, agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported with amendments.

Ordered - That consideration of the Committee's Report be made an Order of the Day for the next sitting.

#### **15. Order of Business**

Ordered - That Order of the Day No. 10, *Health and Disability Services Legislation Amendment Bill 2009*, be taken forthwith. (Leader of the House).

#### **16. Health and Disability Services Legislation Amendment 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 Minister for Transport representing the Minister for Health moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

#### **17. Iron Ore Agreements Legislation Amendment Bill 2010**

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.

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#### **In Committee**

(Hon Matt Benson-Lidholm in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 23 agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy 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.

Question - put and passed.

Bill read a third time and passed.

## **18. Order of Business**

Ordered - That Order of the Day No. 1, *Shire of Dardanup Standing Orders Local Law 2009 - Disallowance*, be taken forthwith. (Leader of the House).

## **19. Shire of Dardanup Standing Orders Local Law 2009 - Disallowance**

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Dardanup Standing Orders Local Law 2009* published in the *Gazette* on 22 March 2010 and tabled in the Legislative Council on 30 March 2010 under the *Local Government Act 1995*, be and is hereby disallowed.

Debate ensued.

## **20. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Mental Health tabled correspondence dated 11 May 2010 between the Central Youth Link-Up Service and the Minister for Mental Health regarding legislation to mandate the sale of Opal fuel in central Australia, in response to a question without notice asked by Hon Sue Ellery. (Tabled paper 2366).

The Minister for Mines and Petroleum tabled documents in relation to exploration licence applications for the Vasse Coal Shelf, and for the proposed coal mine in Margaret River, in response to a question without notice asked by Hon Adele Farina. (Tabled paper 2367).

## **21. Shire of Dardanup Standing Orders Local Law 2009 - Disallowance**

Debate resumed on the motion of Hon Robin Chapple (cf item No. 19 above).

Question - put and passed.

## **22. Order of Business**

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

## **23. Members' Statements**

Statements were taken.

## **24. Retail Trading Hours Amendment Bill 2009**

The Deputy President reported the receipt of Message No. 125 from the Legislative Assembly forwarding the Bill for concurrence.

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

Debate stands adjourned.

**25. Health Practitioner Regulation National Law (WA) Bill 2010**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 126

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Health Practitioner Regulation National Law (WA) Bill 2010*.

Mr P. Watson

Acting Speaker

Legislative Assembly Chamber

Perth, 19 August 2010

**26. Special Adjournment**

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 7 September 2010.

Question - put and passed.

**27. Adjournment**

The House adjourned at 6.01pm until Tuesday, 7 September 2010 at 3.00pm.

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

Attendance: Present all Members except Hon Helen Bullock, Hon Wendy Duncan, Hon Phil Edman, Hon Donna Faragher, Hon Philip Gardiner and Hon Sally Talbot.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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