

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 100

THURSDAY, 1 JULY 2010

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. Petitions

Hon Matt Benson-Lidholm presented a petition from 13 petitioners requesting the Legislative Council oppose the removal of year 11 and 12 students from 21 District High Schools across Western Australia. (Tabled paper 2244).

Hon Sally Talbot presented a petition from 239 petitioners requesting the Legislative Council take immediate action to stop emissions from Cockburn Cement Ltd, Munster. (Tabled paper 2245).

Hon Ken Travers presented a petition from 73 petitioners requesting the Legislative Council inquire into the prospective placement of a Department of Child Protection Facility in Darch. (Tabled paper 2246).

Hon Ken Travers presented a petition from 211 petitioners requesting the Legislative Council inquire into the prospective placement of a Department of Child Protection Facility in Darch. (Tabled paper 2247).

Hon Ken Travers sought leave to make a personal explanation [SO 85].

Leave denied.

3. Paper

The following Paper was laid on the Table by -

President

Reports -

Work of the Legislative Council in 2009 (Date published 01/07/2010)..... 2243

4. Standing Committee on Estimates and Financial Operations - Twenty-Seventh Report - Removal of Senior School Allocation Funding for Year 11 and 12 Courses at District High Schools

Hon Giz Watson presented the Twenty-Seventh Report of the Standing Committee on Estimates and Financial Operations in relation to the Inquiry into the *Removal of Senior School Allocation Funding for Year 11 and 12 Courses at District High Schools*. (Tabled paper 2248).

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

Question - put and passed.

5. Suspension of Standing and Temporary Orders

The Leader of the House moved, without notice -

That the duration of the Temporary Orders, adopted by the House on 25 March 2010, be extended to (and including) Tuesday, 7 September 2010.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

6. Hon Ed Dermer - Personal Explanation - Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2010-2011

Hon Ed Dermer, by leave, made a personal explanation [SO 85] regarding an answer given by him on Tuesday, 29 June 2010 during the debate on the Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2010-2011.

7. Renewable Energy Feed-in Tariff (REFiT WA) Bill 2010

Hon Robin Chapple, pursuant to notice, moved -

That a Bill for "An Act to facilitate power industry development and employment, and to improve energy security by diversifying fuel sources, through the commercialisation of renewable energy technologies in Western Australia." be introduced and read a first time.

Question - put and passed.

Bill read a first time.

Hon Robin Chapple moved, That the Bill be now read a second time.

Debate stands adjourned.

8. Occupational Safety and Health Amendment Bill 2010

Hon Alison Xamon, pursuant to notice, moved -

That a Bill for "An Act to -

- amend the *Occupational Safety and Health Act 1984* to impose additional compliance and notification obligations and provide for increased penalties for breaches of duties imposed by the Act;
- prescribe new offences under *The Criminal Code* relating to breaches of duty of care owed to workers,

and for related purposes." be introduced and read a first time.

Question - put and passed.

Bill read a first time.

Hon Alison Xamon moved, That the Bill be now read a second time.

Debate stands adjourned.

9. Greenhouse Emissions

Non-Government Business No. 3 having been called, Hon Robin Chapple, pursuant to notice, moved -
That this Council calls on the State Government to —

- (a) detail current annual greenhouse emissions from all sources in Western Australia;
- (b) detail the projected level of annual greenhouse emissions from all sources in Western Australia annually until 2020, including currently approved new proposals; and
- (c) explain the State Government's strategies, if any, to attempt to constrain or reduce these projected levels of emissions.

Debate ensued.

Interruption pursuant to Temporary Orders.

10. Order of Business

Ordered - That Orders of the Day Nos 1, *State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2009 - Disallowance*, 2, *State Trading Concerns (Authorisation) Amendment Regulations 2009 - Disallowance*, 3, *Mining Amendment Regulations 2009 - Disallowance*, 4, *Shire of Busselton - Local Government Property Local Law 2010 - Disallowance*, 5, *Shire of Augusta - Margaret River - Cemeteries Local Law 2010 - Disallowance*, 6, *Shire of Augusta - Margaret River - Activities in Thoroughfares and Public Places and Trading Local Law 2010 - Disallowance*, 7, *Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations (No. 2) 2009 - Disallowance*, 8, *Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations 2010 - Disallowance*, and 9, *Shire of Dardanup Standing Orders Local Law 2009 - Disallowance*, be taken after Order of the Day No. 15, *Health Practitioner Regulation National Law (WA) Bill 2010*. (Leader of the House).

11. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2010-2011

The Order of the Day having been read for the adjourned debate 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. 2044A-H (2010-2011 Budget Statements), laid upon the Table of the House on 20 May 2010.

Debate resumed.

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

12. Railway (Tilley to Karara) Bill 2010

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

The Deputy President left the Chair.

In Committee

(Hon Jon Ford in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2 agreed to.

Clause 3.

Hon Ken Travers moved -

Page 3, after line 5 — To insert —

- (2) The transport of goods and materials on a railway authorised under this section must not include the transport of uranium oxide concentrate.

Debate ensued.

Amendment - put and negatived.

Question - That the clause stand as printed - put and passed.

Clauses 4 to 7 agreed to.

Schedule 1 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy President having reported that the Deputy 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. Railway (Butler to Brighton) Bill 2009

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.

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

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

Question - put and passed.

Bill read a third time and passed.

14. Land Tax Assessment 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.

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

The Leader of the House representing the Minister Assisting the Treasurer moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

15. Order of Business

Ordered - That Order of the Day No. 19, *Hairdressers Registration (Amendment and Expiry) Bill 2010*, be taken forthwith. (Leader of the House).

16. Hairdressers Registration (Amendment and Expiry) Bill 2010

The Order of the Day having been read, the Leader of the House representing the Minister for Commerce moved, without notice -

That the *Hairdressers Registration (Amendment and Expiry) Bill 2010* does not stand referred pursuant to Standing Order 230A to the Uniform Legislation and Statutes Review Committee.

Debate ensued.

Question - put and passed.

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

Debate stands adjourned.

17. Order of Business

Ordered - That Order of the Day No. 12, *Approvals and Related Reforms (No. 4) (Planning) Bill 2009*, be taken forthwith. (Leader of the House).

18. Approvals and Related Reforms (No. 4) (Planning) Bill 2009

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

The Deputy President left the Chair.

In Committee

(Hon Jon Ford in the Chair)

Clause 46.

Debate resumed.

Hon Sally Talbot moved -

Page 36, lines 17 to 21 — To delete the lines.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 47 to 49 agreed to.

Clause 50.

The Minister for Child Protection representing the Minister for Planning moved -

Page 38, line 16 — To delete “(5) or ” and insert —

(5), 119(5A) or

Amendment - put and passed.

The Minister for Child Protection representing the Minister for Planning moved -

Page 38, line 17 — To delete “order” and insert —

order, improvement plan

Page 38, line 21 — To delete “order” and insert —

order, improvement plan

Page 38, line 26 — To delete “order” and insert —

order, improvement plan

Page 38, line 28 — To delete “order” and insert —

order, improvement plan

Page 39, line 1 — To delete “order” and insert —

order, improvement plan

Debate ensued.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 51 to 55 agreed to.

Clause 56.

Hon Lynn MacLaren moved -

Page 43, after line 7 — To insert —

- (4) The Minister must, as soon as is practicable after an order is given to the local government under subsection (1), cause a copy of the order to be laid before each House of Parliament or dealt with under section 268A.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 57 to 70 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

The Leader of the House moved, without notice -

That so much of the Standing Orders be suspended as would enable the questions for the adoption of the committee's report and the third reading of the Bill to be moved forthwith.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

The Minister for Child Protection representing the Minister for Planning moved, That the report be adopted.

Question - put and passed.

The Minister for Child Protection representing the Minister for Planning moved, That the Bill be now read a third time.

The Deputy President having reported that the Deputy 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.

The House divided.

Ayes (28)

Hon Liz Behjat
Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Peter Collier
Hon Mia Davies
Hon Ed Dermer
Hon Kate Doust
Hon Wendy Duncan
Hon Phil Edman
Hon Sue Ellery
Hon Donna Faragher
Hon Adele Farina
Hon Jon Ford
Hon Philip Gardiner

Hon Nick Goiran
Hon Nigel Hallett
Hon Alyssa Hayden
Hon Col Holt
Hon Robyn McSweeney
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Ljiljanna Ravlich
Hon Linda Savage
Hon Sally Talbot
Hon Ken Travers
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Noes (4)

Hon Lynn MacLaren
Hon Giz Watson

Hon Alison Xamon
Hon Robin Chapple (*Teller*)

Question thus passed.

Bill read a third time and passed.

19. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Housing tabled, and by leave incorporated into Hansard, an answer in relation to housing in remote Aboriginal communities, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled paper 2249).

The Minister for Energy representing the Minister for Education tabled, and by leave incorporated into Hansard, an answer in relation to establishing a single agency for early childhood, in response to a question without notice asked by Hon Sue Ellery. (Tabled paper 2250).

20. Members' Statements

Statements were taken.

21. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 10 August 2010.

Question - put and passed.

22. Statement by President - Christine Avery - Retirement

The President made the following Statement -

Before we rise for the recess, I inform Members that Christine Avery, a Hansard reporter for 24 years, is retiring. On behalf of all Members of the Legislative Council, I extend to Christine our heartfelt thanks for her tremendous service over a long time and wish her all the best for the future.

23. Adjournment

The House adjourned at 5.31pm until Tuesday, 10 August 2010 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jim Chown, Hon Brian Ellis and Hon Michael Mischin.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council