

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 30

WEDNESDAY, 20 MAY 2009

1. Meeting of Council

The Council assembled at 4.00pm pursuant to order.

The President, Hon Nick Griffiths, took the Chair and read prayers.

2. Statement by President - Address-in-Reply - Presentation to Governor

The President made the following Statement -

I desire to announce that, in company with several Members, the Leader of the House, the Leader of the Opposition, Hon Helen Morton, Hon Kim Chance, Hon Shelley Eaton and Hon Carolyn Burton, I waited on His Excellency the Governor and presented the Address-in-Reply to His Excellency's speech, and that His Excellency has been pleased to make the following reply -

Dear Mr President

I thank you and Members of the Legislative Council for your expressions of loyalty to Her Most Gracious Majesty the Queen and for your Address-in-Reply to my speech to Parliament on the occasion of the Opening of the First Session of the Thirty-Eighth Parliament.

Yours Sincerely

Dr Ken Michael AC

GOVERNOR

3. 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 Bill -

19 May 2009 - Message No. 48

Act No.

Building and Construction Industry Training Fund and Levy

Collection Amendment Bill 2009

6 of 2009

4. Ministerial Statement - Muja A and B Power Station - Vinalco Energy Joint Venture

The Minister for Energy made a Ministerial Statement with respect to a Memorandum of Understanding signed by Verve Energy and Inalco Energy to form a joint venture, to be known as Vinalco Energy, to refurbish, upgrade and re-commission Muja Stages AB in Collie.

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

5. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers -

Coming Ready or Not: Preparing for Large-scale Emergencies (Report No. 4) (May 2009).....	782
----------------------------------------------------------------------------------------------	-----

Leader of the House

Rules -

Lotteries Commission Act 1990 (Lotteries Commission Amendment Rules 2009 G.G. 15/05/2009 and Lotteries Commission (Cash 3) Amendment Rules 2009 G.G. 15/05/2009)	783
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

Minister for Transport

Codes -

Medical Radiation Technologists Act 2006 (Code of Ethics (2009) G.G. 12/05/2009 and Code of Professional Conduct (2009) G.G. 12/05/2009).....	784
--------------------------------------------------------------------------------------------------------------------------------------------------	-----

Regulations -

Health Act 1911 (Health (Food Hygiene) Amendment Regulations 2009 G.G. 15/05/2009, Health (Food Standards) (Administration) Amendment Regulations 2009 G.G. 15/05/2009, Health (Offensive Trades Fees) Amendment Regulations 2009 G.G. 15/05/2009, Health (Pet Meat) Amendment Regulations 2009 G.G. 15/05/2009, Health (Public Buildings) Amendment Regulations 2009 G.G. 15/05/2009 and Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Amendment Regulations 2009 G.G. 15/05/2009)	785
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

Minister for Energy

Local Laws -

Local Government Act 1995 (City of Nedlands Standing Orders Local Law 2009 G.G. 13/05/2009)....	786
-------------------------------------------------------------------------------------------------	-----

Parliamentary Secretary to the Treasurer

Regulations -

Duties Act 2008 (Duties Amendment Regulations (No. 2) 2009 G.G. 15/05/2009)	788
Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment Regulations (No. 2) 2009 G.G. 15/05/2009).....	789

Taxation Administration Act 2003 (Taxation Administration Amendment Regulations 2009 G.G. 15/05/2009).....	790
---------------------------------------------------------------------------------------------------------------	-----

Leader of the House on behalf of the Minister for Child Protection

Regulations -

Agriculture and Related Resources Protection Act 1976 (Agriculture and Related Resources Protection (Small Hive Beetle) Regulations 2009 G.G. 12/05/2009).....	787
-------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

6. Standing Committee on Legislation - Fourteenth Report - Inquiry into the Jurisdiction and Operation of the State Administrative Tribunal

Hon Ken Baston presented the Fourteenth Report of the Standing Committee on Legislation in relation to the *Inquiry into the Jurisdiction and Operation of the State Administrative Tribunal*. (Tabled paper 791).

Hon Ken Baston moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

Hon Ken Baston, by leave, made a Statement with respect to the *Inquiry into the Jurisdiction and Operation of the State Administrative Tribunal*.

7. Order of Business

The Leader of the House moved, without notice -

That the House proceed forthwith to Orders of the Day.

Question - put and passed.

8. Order of Business

Ordered - That Orders of the Day Nos 1, *Genetically Modified Crops Free Areas Exemption Order 2009 - Disallowance*, 2, *State Administrative Tribunal Amendment Rules (No. 2) 2008*, 7, *Occupational Safety and Health Amendment Regulations 2008 - Disallowance*, 8, *Children and Community Services Amendment Regulations 2008 - Disallowance*, 9, *National Gas Access (WA) Bill 2008*, 10, *Water Services Licensing (Water Conservation Target) Amendment Bill 2008*, 11, *Daylight Savings Amendment Bill 2009*, 12, *Referendums (Implementation of Result) Amendment Bill 2009*, 13, *Parliamentary Commissioner Amendment Bill 2009*, 14, *Major Events (Aerial Advertising) Bill 2009*, 15, *Tobacco Products Control Amendment Bill 2008*, 16, *Cooperatives Bill 2009*, and 17, *Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2009-2010*, be taken after Order of the Day No. 18, *Valedictory Remarks*. (Leader of the House).

9. Town of Cambridge - Parking Amendment Local Law 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Ray Halligan, on behalf of Hon Kim Chance, moved without notice -

That Order of the Day No. 3, *Town of Cambridge - Parking Amendment Local Law 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

10. Poisons Amendment Regulations (No. 2) 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Ray Halligan, on behalf of Hon Kim Chance, moved without notice -

That Order of the Day No. 4, *Poisons Amendment Regulations (No. 2) 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

11. City of Wanneroo - Standing Orders Local Law 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Ray Halligan, on behalf of Hon Kim Chance, moved without notice -

That Order of the Day No. 5, *City of Wanneroo - Standing Orders Local Law 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

12. Medical Practitioners Regulations 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Ray Halligan, on behalf of Hon Kim Chance, moved without notice -

That Order of the Day No. 6, *Medical Practitioners Regulations 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

13. Valedictory Remarks

The Order of the Day having been read for the adjourned debate on the motion of the Leader of the House, as follows -

That this House expresses its appreciation to retiring Members for their significant contribution to the Legislative Council and the State of Western Australia.

Debate ensued.

14. Questions Without Notice

Questions without notice were taken.

The Minister for Transport representing the Minister for Health tabled, and by leave incorporated into Hansard, documents in relation to the number of induced abortions, in response to a question without notice asked by Hon Barbara Scott. (Tabled paper 792).

The Parliamentary Secretary representing the Minister for Water on behalf of the Minister for Child Protection representing the Minister for Forestry tabled, and by leave incorporated into Hansard, documents in relation to diverse ecotype zones in Chester coupe outlined in a Forest Products Commission report, in response to a question without notice asked by Hon Paul Llewellyn. (Tabled paper 793).

15. Valedictory Remarks

Debate resumed on the motion of the Leader of the House (cf item 13 above).

On the motion of the Minister for Transport the debate was adjourned to a later stage of this day's sitting.

16. Genetically Modified Crops Free Areas Exemption Order (No. 3) 2008 - Disallowance

The Order of the Day having been read, Hon Paul Llewellyn continued his introductory remarks on the motion as follows -

That the *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2008* published in the *Gazette* on 28 November 2008 and tabled in the Legislative Council on 9 December 2008 under the *Genetically Modified Crops Free Areas Act 2003*, be and is hereby disallowed.

Debate ensued.

Point of Order

Hon Paul Llewellyn raised the following Point of Order -

Will the honourable member identify and table the document from which she is quoting?

Deputy President's Ruling

The Deputy President ruled as follows -

Hon Paul Llewellyn is seeking that the document be tabled, and under the Standing Orders the Parliamentary Secretary is required to identify and table the document from which she is quoting.

The Parliamentary Secretary representing the Minister for Agriculture and Food tabled a media release dated 7 May 2009 by the Ord River District Cooperative Limited relating to farm industry development in the Ord River Irrigation Area [SO 48]. (Tabled paper 794).

Debate resumed.

Question - put.

The House divided.

Ayes (13)

Hon Kim Chance
Hon Kate Doust
Hon Shelley Eaton
Hon Sue Ellery
Hon Adele Farina
Hon Anthony Fels
Hon Jon Ford

Hon Paul Llewellyn
Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Matt Benson-Lidholm (*Teller*)

Noes (12)

Hon Shelley Archer
Hon George Cash
Hon Wendy Duncan
Hon Brian Ellis
Hon Nigel Hallett
Hon Barry House

Hon Robyn McSweeney
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Barbara Scott
Hon Bruce Donaldson (*Teller*)

Question thus passed.

17. Order of Business

Ordered - That Order of the Day No. 18, *Valedictory Remarks* be now taken. (Leader of the House).

18. Valedictory Remarks

Debate resumed on the motion of the Leader of the House (cf item 15 above).

Interruption of Debate [SO 61(b)].

19. Adjournment

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

Debate ensued.

Hon Barbara Scott, by leave, tabled documents in relation to Choose Life Australia postcards requesting Members of Parliament to support human life. (Tabled paper 795).

Question - put and passed.

The House adjourned at 10.35pm until Thursday, 21 May 2009 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Donna Faragher and Hon Batong Pham.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council