

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 42

WEDNESDAY, 12 AUGUST 2009

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### 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. Petitions

Hon Kate Doust presented a petition, by delivery to the Clerk, [SO 130], from 46 petitioners requesting the Legislative Council oppose First Click Computer Funding cuts. (Tabled paper 1030).

Hon Alison Xamon presented a petition from 541 petitioners requesting the Legislative Council oppose the Hanson Quarry expansion. (Tabled paper 1031).

### 3. Ministerial Statement - Mining and Petroleum Industry - Approvals Process Review

The Minister for Mines and Petroleum made a Ministerial Statement with respect to an Industry Working Group report on Western Australia's resources approvals processes.

The Minister for Mines and Petroleum tabled the *Review of Approval Processes in Western Australia*, being the final report of the Industry Working Group on Western Australia's resources approvals processes. (Tabled paper 1032).

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

### 4. Papers

The following Papers were laid on the Table by -

#### President

*Joint Standing Committee on Treaties (Commonwealth of Australia) -*

Treaty tabled on 25 June 2009 - Convention on the Service Abroad of Judicial and  
Extrajudicial Documents in Civil or Commercial Matters (The Hague, 15  
November 1965)..... 1005

*Reports -*

Public Sector Standards Commissioner, Office of the [OPSSC] - Parliamentary Series  
Report Five - Department of Water: Investigation of Probity Concerns..... 1006

**Leader of the House***Management Plans -*

|  |      |
|--|------|
| Fish Resources Management Act 1994 (West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment (No. 2) 2009 [919] G.G. 04/08/2009)... | 1007 |
|--|------|

*Regulations -*

|   |      |
|---|------|
| Liquor Control Act 1988 (Liquor Control Amendment Regulations (No. 3) 2009 G.G. 24/07/2009, Liquor Control Amendment Regulations (No. 4) 2009 G.G. 24/07/2009, Liquor Control (Juwurlinji Restricted Area) Regulations 2009 G.G. 24/07/2009 and Liquor Control (Noonkanbah Restricted Area) Regulations 2009 G.G. 24/07/2009) ..... | 1008 |
| Mines Safety and Inspection Act 1994 (Mines Safety and Inspection Amendment Regulations 2009 G.G. 21/07/2009) .....   | 1009 |

**Minister for Transport***Notices -*

|  |      |
|--|------|
| Health Act 1911 (City of Canning - Fees and Charges G.G. 07/08/2009) ..... | 1010 |
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*Regulations -*

|  |      |
|--|------|
| Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations (No. 2) 2009 G.G. 28/07/2009) ..... | 1011 |
| Jetties Act 1926 (Jetties Amendment Regulations (No. 2) 2009 G.G. 31/07/2009) .....  | 1012 |
| Medical Practitioners Act 2008 (Medical Practitioners Amendment Regulations 2009 G.G. 31/07/2009) .....                        | 1013 |
| Medical Radiation Technologists Act 2006 (Medical Radiation Technologists Amendment Regulations 2009 G.G. 07/08/2009) .....    | 1014 |
| Poisons Act 1964 (Poisons Amendment Regulations (No. 5) 2009 G.G. 28/07/2009) .....  | 1015 |
| Public Transport Authority Act 2003 (Public Transport Authority Amendment Regulations (No. 2) 2009 G.G. 24/07/2009) .....      | 1016 |

**Minister for Energy***By-laws -*

|  |      |
|--|------|
| Murdoch University Act 1973 (Murdoch University Amending By-law G.G. 31/07/2009) ..... | 1017 |
|--|------|

*Local Laws -*

|   |      |
|---|------|
| Dog Act 1976 (Shire of Meekatharra Dogs Amendment Local Law 2009 G.G. 28/07/2009) ..... | 1018 |
|---|------|

*Statutes -*

|   |      |
|---|------|
| Curtin University of Technology Act 1966 (Statute No. 24 (Repeal) Statute 2009 G.G. 04/08/2009) ..... | 1019 |
| Edith Cowan University Act 1984 (Edith Cowan University - Amending Statute G.G. 31/07/2009) .....     | 1020 |

**Minister for Child Protection***Ministerial Approvals -*

|  |      |
|--|------|
| East Perth Redevelopment Act 1991 - Sale of land with value in excess of \$1 million - Lot 403 William Street, Northbridge ..... | 1021 |
|--|------|

**Minister for Environment***Local Laws -*

|   |      |
|---|------|
| Waste Avoidance and Resource Recovery Act 2007 (Shire of Northam Waste Local Law<br>2009 G.G. 28/07/2009) ..... | 1022 |
|---|------|

*Regulations -*

|   |      |
|---|------|
| Environmental Protection Act 1986 (Environmental Protection (Recovery of Vapours from the<br>Transfer of Organic Liquids) Amendment Regulations 2009 G.G. 21/07/2009) ..... | 1023 |
|---|------|

**Parliamentary Secretary representing the Minister for Regional Development***Proposals -*

|   |      |
|---|------|
| Land Administration Act 1997 - Submission No. 12/2007 - Amalgamation of Portion<br>of Class A Reserve 8176 with Reserve 37458 - Shire of Broome ..... | 1024 |
|---|------|

**Parliamentary Secretary representing the Minister for Water on behalf of the  
Parliamentary Secretary representing the Treasurer***Regulations -*

|   |      |
|---|------|
| First Home Owner Grant Act 2000 (First Home Owner Grant Amendment Regulations 2009 G.G.<br>04/08/2009) .....  | 1025 |
| Industrial Relations Act 1979 (Industrial Relations (General) Amendment Regulations 2009 G.G.<br>31/07/2009) .....  | 1026 |
| Local Government (Miscellaneous Provisions) Act 1960 (Building Amendment Regulations<br>2009 G.G. 31/07/2009 and Building Amendment Regulations (No. 3) 2009 G.G. 04/08/2009) ..... | 1027 |
| Motor Vehicle Repairers Act 2003 (Motor Vehicle Repairers Amendment Regulations (No. 3)<br>2009 G.G. 28/07/2009) .....  | 1028 |
| Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment<br>Regulations (No. 4) 2009 G.G. 31/07/2009) .....  | 1029 |

**5. Appropriate Resourcing for Western Australian Not-for-Profit Sector**

Motion No. 1 having been called, debate resumed on 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.

**6. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary representing the Attorney General tabled, and by leave incorporated into Hansard, documents in relation to details of complaints received by the Information Commissioner between October 2008 and June 2009, in response to a question without notice asked by Hon Ljiljana Ravlich. (Tabled paper 1033).

**7. Appropriate Resourcing for Western Australian Not-for-Profit Sector**

Debate resumed on the motion of Hon Sue Ellery (cf item 5 above).

The Minister for Child Protection moved —

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. ”.

Debate ensued.

*Interruption of Debate* [SO 195].

## 8. Order of Business

Ordered - That Orders of the Day Nos 1, *Genetically Modified Crops Free Areas Exemption Order (No. 2) 2009 - Disallowance*, 2, *City of Joondalup Cats Local Law 2008 - Disallowance*, 3, *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009 - Disallowance*, 4, *City of Wanneroo - Private Property Amendment Local Law 2008 - Disallowance*, and 5, *City of Stirling - Thoroughfares and Public Places Local Law 2009 - Disallowance*, be taken after Order of the Day No. 17, *Fisheries Adjustment Schemes Amendment Bill 2009*. (Leader of the House).

## 9. Local Government Amendment (Elections) 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.

The House divided.

### Ayes (18)

Hon Liz Behjat  
Hon Jim Chown  
Hon Peter Collier  
Hon Mia Davies  
Hon Phil Edman  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Philip Gardiner  
Hon Nick Goiran

Hon Nigel Hallett  
Hon Alyssa Hayden  
Hon Col Holt  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Norman Moore  
Hon Helen Morton  
Hon Max Trenorden  
Hon Ken Baston (*Teller*)

### Noes (13)

Hon Matt Benson-Lidholm  
Hon Helen Bullock  
Hon Robin Chapple  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
Hon Jock Ferguson

Hon Jon Ford  
Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Giz Watson  
Hon Alison Xamon  
Hon Ed Dermer (*Teller*)

Question thus passed.

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

## 10. Sittings of the House

The Leader of the House moved, without notice -

That the House continue to sit beyond 10.00pm for the purpose of completing consideration in Committee of the Whole of the *Local Government Amendment (Elections) Bill 2009*.

Debate ensued.

Question - put and passed.

## 11. Order of Business

Ordered - That Order of the Day No. 14, *Local Government Amendment (Elections) Bill 2009*, be taken forthwith. (Leader of the House).

## 12. Local Government Amendment (Elections) Bill 2009

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.

Debate ensued.

Clause agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

### *Want of Quorum*

There not being a quorum present, the Deputy Chairman gave instructions for the ringing of the Bells.  
A quorum being formed, the debate continued.

The Minister for Energy representing the Minister for Local Government, by leave, tabled a draft local government election ballot paper. (Tabled paper 1034).

Clause agreed to.

### *Deputy Chairman's Ruling*

The Deputy Chairman ruled as follows -

Earlier a question was asked of me about what can be debated under the short title. Particularly for the interest of new Members I will recite the ruling of the then Deputy Chairman of Committees, Hon Barry House, made on 16 October 1996. It reads —

The short title debate does no more than give Members the opportunity to range over the clauses of the Bill, foreshadow amendments and indicate, consistent with the policy of the Bill, how its formal content may be improved. It is not a vehicle for continuing debate on policy; rather, if Members do not wish the Bill to proceed, the action they should follow is to vote to defeat clause 1 of the Bill as it stands.

Clause 5.

Debate ensued.

Hon Robin Chapple moved -

Page 3, line 8 — To delete “ascertained” and insert —

counted

Debate ensued.

Amendment - put.

The Committee divided.

**Ayes (13)**

Hon Matt Benson-Lidholm  
Hon Helen Bullock  
Hon Robin Chapple  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
Hon Jock Ferguson

Hon Jon Ford  
Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Giz Watson  
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Hon Nick Goiran

Hon Nigel Hallett  
Hon Alyssa Hayden  
Hon Col Holt  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Norman Moore  
Hon Helen Morton  
Hon Max Trenorden  
Hon Ken Baston (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clause 6 agreed to.

New Clause 7.

Debate ensued.

Hon Robin Chapple moved -

Page 3, after line 31 — To insert —

**7. Review of Act**

- (1) The Minister must review this Act to determine whether —
  - (a) the policy objectives upon which this Act is based remain valid; and
  - (b) the terms of this Act remain appropriate for securing those objectives,
 as soon as is practicable after the second anniversary of the day on which this Act receives Royal Assent.
- (2) The Minister must prepare and table in each House of Parliament a report based on the review set out in (1), by no later than the date that is 12 months after the expiry of the period set out in (1).

Debate ensued.

Question - put and negatived.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

**13. Adjournment**

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

Question - put and passed.

The House adjourned at 11.24pm until Thursday, 13 August 2009 at 11.00am.

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

Attendance: Present all Members except Hon Lynn MacLaren and Hon Ken Travers.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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