

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 36

TUESDAY, 16 JUNE 2009

1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

The President, Hon Barry House, took the Chair and read prayers.

2. Ministerial Statement - Energy Consumption - Advanced Meters Trial

The Minister for Energy made a Ministerial Statement with respect to a trial conducted by Synergy using advanced meters to monitor energy consumption in the Perth suburbs.

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

3. Ministerial Statement - Ministerial Council for Vocational Education and Training

The Minister for Training made a Ministerial Statement with respect to his attendance at the meeting of the Ministerial Council for Vocational Education and Training in Hobart on 12 June 2009.

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

4. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers -

Rich and Rare: Conservation of Threatened Species (Report No. 5) (June 2009)
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Reports -

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Regional Prison (Report No. 60) (April 2009) (Deemed tabled 12/06/2009)..... 844

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Western Australian Marine Act 1982 (W.A. Marine (Certificates of Competency and Safety Manning) Amendment Regulations 2009 G.G. 12/06/2009, W.A. Marine (Surveys and Certificates of Survey) Amendment Regulations 2009 G.G. 12/06/2009, W.A. Marine (Radiotelephony) Amendment Regulations 2009 G.G. 12/06/2009 and Navigable Waters Amendment Regulations (No. 2) 2009 G.G. 12/06/2009).....	868
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Ministerial Approvals -

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5. City of Joondalup Cats Local Law 2008 - Disallowance

Hon Robin Chapple: To move on the next day of sitting -

That the *City of Joondalup Cats Local Law 2008* published in the *Gazette* on 2 April 2009 and tabled in the Legislative Council on 8 April 2009 under the *Local Government Act 1995*, be and is hereby disallowed.

6. Matter of Urgency - Barnett Government - Appointments

The President read the following letter -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that the Council consider, as a matter of urgency, its grave concern at the pattern of appointments made by the Barnett Government which demonstrate a disregard for proper process and transparency.

Yours sincerely

Hon Sue Ellery
Member for South Metropolitan Region

Four members having risen in support.

Hon Sue Ellery moved the motion.

Debate ensued.

Motion lapsed.

7. Order of Business

Ordered - That Orders of the Day Nos 2, *Children and Community Services Amendment Regulations 2008 - Disallowance*, 3, *Genetically Modified Crops Free Areas Exemption Order (No. 2) 2009 - Disallowance*, 4, *Fish Resources Management Amendment Regulations (No. 3) 2009 - Disallowance*, 6, *City of Joondalup - Local Government and Public Property Amendment Local Law (No. 2) 2008 - Disallowance*, 8, *City of Gosnells - Local Government Property Local Law 2009 - Disallowance*, and 9, *City of Stirling - Fencing Local Law 2008 - Disallowance*, be taken after Order of the Day No. 21, *Local Government Amendment (Elections) Bill 2009*. (Leader of the House).

8. Occupational Safety and Health Amendment Regulations 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice -

That Order of the Day No. 1, *Occupational Safety and Health Amendment Regulations 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

9. Psychologists Amendment Regulations 2009 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice -

That Order of the Day No. 5, *Psychologists Amendment Regulations 2009 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

10. Southern Metropolitan Regional Council Standing Orders Local Law 2008 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice -

That Order of the Day No. 7, *Southern Metropolitan Regional Council Standing Orders Local Law 2008 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

11. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2009-2010

The Order of the Day having been called, debate resumed 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. 773A-H (2009-2010 Budget Statements), laid upon the Table of the House on 14 May 2009.

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

12. Parliamentary Commissioner Amendment Bill 2009

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

The Minister for Child Protection 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.

13. National Gas Access (WA) Bill 2008

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

The President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Schedule 1.

Debate resumed on the amendment of Hon Giz Watson as follows -

Page 33, after line 22 — To insert —

5A. Section 23 modified

In section 23 after “with respect to” insert:

ecologically sustainable development,

Amendment - put and negatived.

Question - That Schedule 1 stand as printed - put and passed.

Schedule 1 agreed to.

Postponed Clause 6B.

Debate resumed on the amendment of Hon Giz Watson as follows -

Page 4, after line 20 — To insert —

- (3) Despite subsection (1), section 42 of the *Interpretation Act 1984* applies to an order made under section 7A(2) as if the order were a regulation.
- (4) Despite subsection (1), section 42 of the *Interpretation Act 1984* applies to the making of regulations under section 10(1).

14. Questions Without Notice

Questions without notice were taken.

The Minister for Transport tabled, and by leave incorporated into Hansard, a document in relation to major crashes involving heavy goods vehicles for the years 2001-2008 in response to a question without notice asked by Hon Alison Xamon. (Tabled paper 874).

The Leader of the House representing the Premier tabled documents in relation to Mr Derek Carew-Hopkins' consultancy contract and letter confirming the agreed termination of the consultancy contract in response to a question without notice asked by Hon Sue Ellery on behalf of Hon Ljiljanna Ravlich. (Tabled paper 875).

15. National Gas Access (WA) Bill 2008

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

The President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Postponed Clause 6B.

Debate resumed on the amendment of Hon Giz Watson as follows -

Page 4, after line 20 — To insert —

- (3) Despite subsection (1), section 42 of the *Interpretation Act 1984* applies to an order made under section 7A(2) as if the order were a regulation.
- (4) Despite subsection (1), section 42 of the *Interpretation Act 1984* applies to the making of regulations under section 10(1).

The Minister for Energy moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and passed.

The President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

16. Order of Business

Ordered - That Order of the Day No. 10, *Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2009-2010*, be taken forthwith. (Leader of the House).

17. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2009-2010

The Order of the Day having been called, debate resumed 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. 773A-H (2009-2010 Budget Statements), laid upon the Table of the House on 14 May 2009.

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

18. Order of Business

Ordered - That Order of the Day No. 11, *National Gas Access (WA) Bill 2008*, be taken forthwith. (Leader of the House).

19. National Gas Access (WA) Bill 2008

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

The President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Postponed Clause 6B.

Debate resumed on the amendment of Hon Giz Watson as follows -

Page 4, after line 20 — To insert —

- (3) Despite subsection (1), section 42 of the *Interpretation Act 1984* applies to an order made under section 7A(2) as if the order were a regulation.
- (4) Despite subsection (1), section 42 of the *Interpretation Act 1984* applies to the making of regulations under section 10(1).

Amendment - put.

The Committee divided.

Ayes (14)

Hon Matt Benson-Lidholm	Hon Lynn MacLaren
Hon Helen Bullock	Hon Ljiljanna Ravlich
Hon Robin Chapple	Hon Sally Talbot
Hon Kate Doust	Hon Ken Travers
Hon Sue Ellery	Hon Giz Watson
Hon Adele Farina	Hon Alison Xamon
Hon Jock Ferguson	Hon Ed Dermer (<i>Teller</i>)

Noes (18)

Hon Jim Chown	Hon Nigel Hallett
Hon Peter Collier	Hon Alyssa Hayden
Hon Mia Davies	Hon Col Holt
Hon Wendy Duncan	Hon Michael Mischin
Hon Phil Edman	Hon Norman Moore
Hon Brian Ellis	Hon Helen Morton
Hon Donna Faragher	Hon Simon O'Brien
Hon Philip Gardiner	Hon M.W. Trenorden
Hon Nick Goiran	Hon Ken Baston (<i>Teller</i>)

Amendment thus negated.

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

Clause agreed to.

Postponed Clause 7A agreed to.

Postponed Clause 7B agreed to.

Postponed Clause 22.

Debate ensued.

Interruption of Debate [SO 61(c)].

The President resumed the Chair.

The Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

20. Loan Bill 2009

The President reported the receipt of Message No. 31 from the Legislative Assembly forwarding the Bill for concurrence.

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

Debate stands adjourned.

21. Appropriation (Consolidated Account) Recurrent 2009-10 Bill 2009

The President reported the receipt of Message No. 32 from the Legislative Assembly forwarding the Bill for concurrence.

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

Debate stands adjourned.

22. Appropriation (Consolidated Account) Capital 2009-10 Bill 2009

The President reported the receipt of Message No. 33 from the Legislative Assembly forwarding the Bill for concurrence.

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

Debate stands adjourned.

23. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.43pm until Wednesday, 17 June 2009 at 4.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jon Ford.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council