

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 37

WEDNESDAY, 17 JUNE 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. Statement by President - Estimates Hearings - Legislative Council Chamber**

The President made the following Statement -

As the estimates hearings are being held in this chamber tomorrow, I request that Members ensure that their desks are clear at the close of business tonight.

**3. Statement by President - Smoking Ban - Parliament House**

The President made the following Statement -

The Speaker and I have now had an opportunity to discuss the issue of smoking within Parliament House, and we have agreed to implement a total ban with immediate effect. This prohibition applies to Members, staff and visitors whilst both in Parliament House and also within ten metres of any entrance.

**4. Ministerial Statement - Metropolitan Regional Scheme Amendment No. 1153/41 - Caversham Urban Cell**

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 Metropolitan Regional Scheme Amendment No. 1153/41 - Caversham Urban Cell.

The Leader of the House on behalf of the Minister for Child Protection representing the Minister for Planning tabled plans relating to the Metropolitan Regional Scheme Amendment No. 1153/41 - Caversham Urban Cell. (Tabled paper 880).

The Leader of the House on behalf of the Minister for Child Protection representing the Minister for Planning tabled the report on submissions for Metropolitan Regional Scheme Amendment No. 1153/41 - Caversham Urban Cell. (Tabled paper 881).

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

**5. Ministerial Statement - Metropolitan Regional Scheme Amendment No. 1159/41 - Belmont Racecourse Redevelopment**

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 Metropolitan Regional Scheme Amendment No. 1159/41 - Belmont Racecourse Redevelopment.

The Leader of the House on behalf of the Minister for Child Protection representing the Minister for Planning tabled plans relating to the Metropolitan Regional Scheme Amendment No. 1159/41 - Belmont Racecourse Redevelopment. (Tabled paper 882).

The Leader of the House on behalf of the Minister for Child Protection representing the Minister for Planning tabled the report on submissions for Metropolitan Regional Scheme Amendment No. 1159/41 - Belmont Racecourse Redevelopment. (Tabled paper 883).

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

**6. Papers**

The following Papers were laid on the Table by -

**President**

*Auditor General's Papers -*

Maintaining the State Road Network (Report No. 6) (June 2009)..... 876

**Minister for Transport**

*Response to Reports -*

Standing Committee on Uniform Legislation and Statutes Review - Child Exploitation  
Material and Classification Legislation Amendment Bill 2009 (Attorney General).... 877

**Minister for Environment**

*Response to Reports -*

Government Response to the Review of Natural Resource Management Delivery in  
Western Australia..... 878

*Reviews -*

Natural Resource Management Review Western Australia (February 2009)..... 879

**7. Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009 - Disallowance**

Hon Lynn MacLaren: To move on the next day of sitting -

That the *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009* published in the *Gazette* on 22 May 2009 and tabled in the Legislative Council on 2 June 2009 under the *Genetically Modified Crops Free Areas Act 2003*, be and is hereby disallowed.

**8. High-Level Nursing Home Care - Commonwealth Funding**

Hon Helen Morton: To move on the next day of sitting -

That this House expresses its concern about the impact on families and access to acute hospital beds in Western Australia of the Federal Government's inadequate capital and recurrent funding arrangements for high-level nursing home care.

## 9. Water Catchments - South West Recovery Program

Motion No. 1 having been called, debate resumed on the amendment of Hon Helen Morton as follows -

Line 1 — To delete “catastrophic”.

Lines 2 to 3 — To delete “calls on” and insert —  
“ notes ”.

Line 3 — To insert after “Government” —  
“ initiatives ”.

Line 4 — To insert after “forestry” —  
“ and other initiatives ”,

to the motion of Hon Giz Watson as follows -

That in the light of the declining rainfall and catastrophic decline in surface water inflow to our dams, and the impact of salinity on our South West water catchments this House calls on the Government to implement as a matter of priority a comprehensive upper catchment recovery program based on farm forestry that aims to restore water and salt balance in the six key water catchments in the region.

## 10. Questions Without Notice

Questions without notice were taken.

The Leader of the House on behalf of the Minister for Child Protection tabled documents in relation to the St Andrews Strategic Cooperation Agreement between the State of Western Australia and Tokyu Corporation in response to a question without notice asked by Hon Giz Watson. (Tabled paper 884).

## 11. Water Catchments - South West Recovery Program

Debate resumed on the amendment of Hon Helen Morton to the motion of Hon Giz Watson (cf item 9 above).

*Interruption of Debate* [SO 195].

## 12. Order of Business

Ordered - That Orders of the Day Nos 1, *Children and Community Services Amendment Regulations 2008 - Disallowance*, 2, *Genetically Modified Crops Free Areas Exemption Order (No. 2) 2009 - Disallowance*, 3, *Fish Resources Management Amendment Regulations (No. 3) 2009 - Disallowance*, 4, *City of Joondalup - Local Government and Public Property Amendment Local Law (No. 2) 2008 - Disallowance*, 5, *City of Gosnells - Local Government Property Local Law 2009 - Disallowance*, and 6, *City of Stirling - Fencing Local Law 2008 - Disallowance*, be taken after Order of the Day No. 18, *Local Government Amendment (Elections) Bill 2009*. (Leader of the House).

## 13. Order of Business

Ordered - That Order of the Day No. 7, *Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2009-2010*, be taken at a later stage of this day's sitting. (Leader of the House).

## 14. Parliamentary Commissioner Amendment Bill 2009

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

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

The 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.

**15. Order of Business**

Ordered - That Order of the Day No. 8, *National Gas Access (WA) Bill 2008*, be taken at a later stage of this day's sitting. (Leader of the House).

**16. Major Events (Aerial Advertising) Bill 2009**

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

Debate ensued.

Hon Giz Watson sought leave to continue her remarks at a later stage of this day's sitting.

Leave granted.

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

**17. Order of Business**

Ordered - That Order of the Day No. 7, *Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2009-2010*, be taken forthwith. (Leader of the House).

**18. 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.

**19. Order of Business**

Ordered - That Order of the Day No. 13, *Major Events (Aerial Advertising) Bill 2009*, be taken forthwith. (Leader of the House).

**20. Major Events (Aerial Advertising) Bill 2009**

Debate resumed on the second reading of this Bill (cf item 16 above).

Question - put and passed.

Bill read a second time.

Ordered - That consideration of the Bill, in Committee, be made an Order of the Day for the next sitting.

**21. Child Exploitation Material and Classification 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 Kate Doust the debate was adjourned to the next sitting.

**22. Criminal Code Amendment Bill 2008**

The Deputy President reported the receipt of Message No. 34 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Transport representing the Attorney General moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Transport representing the Attorney General moved, That the Bill be now read a second time.

Debate stands adjourned.

**23. Transfer of Incorporation (HBF and HIF) Bill 2009**

The Deputy President reported the receipt of Message No. 35 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

**24. Revenue Laws Amendment (Taxation) Bill 2009**

The Deputy President reported the receipt of Message No. 36 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

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

The Leader of the House tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 885).

Debate stands adjourned.

**25. Special Adjournment**

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 23 June 2009.

Question - put and passed.

**26. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 11.07pm until Tuesday, 23 June 2009 at 3.30pm.

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

Attendance: Present all Members except Hon Robin Chapple, Hon Jon Ford, Hon Nigel Hallett and Hon Robyn McSweeney.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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