

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 98

TUESDAY, 29 JUNE 2010

1. Meeting of Council

The Council assembled at 3.00pm pursuant to Temporary Orders.

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

2. 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 Bills -

25 June 2010 - Message No. 103	Act No.
Credit (Commonwealth Powers) Bill 2010	13 of 2010
Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Bill 2010	14 of 2010
Pay-roll Tax Assessment Amendment Bill 2010	15 of 2010
Criminal Code Amendment (Identity Crime) Bill 2009	16 of 2010
Revenue Laws Amendment and Repeal Bill 2010	17 of 2010

3. Petition

Hon Sally Talbot presented a petition from 272 petitioners requesting the Legislative Council take immediate action to stop emissions from Cockburn Cement Ltd, Munster. (Tabled paper 2224).

4. Papers

The following Papers were laid on the Table by -

President

Reports -

Inspector of Custodial Services - Report of an Inspection of Court Security and Custodial Services under the District Court Building Services Contract (Report No. 64) (May 2010) (Deemed tabled 28/06/2010) 2190

Leader of the House

Regulations -

Bills of Sale Act 1899 (Bills of Sale (Fees) Amendment Regulations 2010 G.G. 25/06/2010) 2191

Builders' Registration Act 1939 (Builders' Registration Amendment Regulations 2010 G.G. 25/06/2010).....	2192
Dangerous Goods Safety Act 2004 (Dangerous Goods Safety (Explosives) Amendment Regulations (No. 2) 2010 G.G. 25/06/2010, Dangerous Goods Safety (General) Amendment Regulations 2010 G.G. 22/06/2010, Dangerous Goods Safety (Goods in Ports) Amendment Regulations 2010 G.G. 25/06/2010, Dangerous Goods Safety (Major Hazard Facilities) Amendment Regulations 2010 G.G. 22/06/2010, Dangerous Goods Safety (Major Hazard Facilities) Amendment Regulations (No. 2) 2010 G.G. 25/06/2010, Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2010 G.G. 22/06/2010, Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations (No. 2) 2010 G.G. 25/06/2010, Dangerous Goods Safety (Security Risk Substances) Amendment Regulations (No. 2) 2010 G.G. 25/06/2010 and Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations (No. 2) 2010 G.G. 25/06/2010).....	2193
Debt Collectors Licensing Act 1964 (Debt Collectors Licensing Amendment Regulations 2010 G.G. 25/06/2010).....	2194
Electricity Act 1945 (Electricity (Licensing) Amendment Regulations 2010 G.G. 25/06/2010).....	2195
Employment Agents Act 1976 (Employment Agents Amendment Regulations 2010 G.G. 25/06/2010).....	2196
Fair Trading Act 1987 (Fair Trading (Product Safety Standard) Amendment Regulations (No. 2) 2010 G.G. 25/06/2010)	2197
Gas Standards Act 1972 (Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations (No. 2) 2010 G.G. 25/06/2010).....	2198
Land Valuers Licensing Act 1978 (Land Valuers Licensing Amendment Regulations 2010 G.G. 25/06/2010).....	2199
Mines Safety and Inspection Act 1994 (Mines Safety and Inspection Amendment Regulations 2010 G.G. 25/06/2010)	2200
Motor Vehicle Dealers Act 1973 (Motor Vehicle Dealers (Licensing) Amendment Regulations 2010 G.G. 25/06/2010)	2201
Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment Regulations (No. 3) 2010 G.G. 25/06/2010).....	2202
Real Estate and Business Agents Act 1978 (Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2010 G.G. 25/06/2010).....	2203
Settlement Agents Act 1981 (Settlement Agents Amendment Regulations 2010 G.G. 25/06/2010)	2204
Trade Measurement Act 2006 (Trade Measurement Amendment Regulations (No. 2) 2010 G.G. 22/06/2010).....	2205
Water Services Licensing Act 1995 (Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations 2010 G.G. 25/06/2010).....	2206
<i>Rules -</i>	
Painters' Registration Act 1961 (Painters' Registration Board Amendment Rules (No. 2) 2010 G.G. 25/06/2010).....	2207
Minister for Energy on behalf of the Minister for Transport	
<i>Annual Reports -</i>	
Council of the Pharmaceutical Society, The (2009-2010) (Date received 28/06/2010).....	2208
<i>By-laws -</i>	
Queen Elizabeth II Medical Centre Act 1966 (Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2010 G.G. 22/06/2010).....	2209

Regulations -

Health Act 1911 (Blood and Tissue (Transmissible Diseases) Amendment Regulations 2010 G.G. 22/06/2010).....	2210
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Minister for Energy*Local Laws -*

Local Government Act 1995 (CORRECTION - Shire of Ravensthorpe Local Government Property Local Law 2010 G.G. 25/06/2010 and Shire of Northam - Fencing Amendment Local Law 2010 G.G. 25/06/2010)	2211
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Orders -

Gas Supply (Gas Quality Specifications) Act 2009 (Gas Supply (Gas Quality Specifications) (Griffin Joint Venture) Exemption Order 2010 G.G. 25/06/2010)	2212
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Regulations -

Security and Related Activities (Control) Act 1996 (Security and Related Activities (Control) Amendment Regulations (No. 2) 2010 G.G. 22/06/2010).....	2213
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Statutes -

Murdoch University Act 1973 (Murdoch University - Amending Statute No. 1 of 2010 G.G. 25/06/2010).....	2214
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Minister for Child Protection*Ministerial Approvals -*

Midland Redevelopment Act 1999 - Approval for deposited plan 66298 - Creation of 5 lots under subdivision approval - Lot 5003 Yelverton Drive Midland	2215
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Minister for Environment*Leases -*

CALM Lease No. 1687/97 - Between CALM and Donald Mervyn and Coby Jane Russell - Part of State forest No's 10 and 36	2216
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Regulations -

Travel Agents Act 1985 (Travel Agents Amendment Regulations 2010 G.G. 25/06/2010)	2217
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Parliamentary Secretary representing the Treasurer*By-laws -*

Country Areas Water Supply Act 1947 (Country Areas Water Supply Amendment By-laws 2010 G.G. 25/06/2010).....	2219
Metropolitan Water Supply, Sewerage, and Drainage Act 1909 (Metropolitan Water Supply, Sewerage and Drainage Amendment By-laws (No. 2) 2010 G.G. 25/06/2010).....	2220
Water Agencies (Powers) Act 1984 (Water Agencies Amendment By-laws 2010 G.G. 25/06/2010 and Water Agencies (Charges) Amendment By-laws 2010 G.G. 25/06/2010).....	2221

Regulations -

Rates and Charges (Rebates and Deferments) Act 1992 (Rates and Charges (Rebates and Deferments) Amendment Regulations (No. 2) 2010 G.G. 25/06/2010).....	2222
Taxation Administration Act 2003 (Taxation Administration Amendment Regulations 2010 G.G. 25/06/2010).....	2223

Parliamentary Secretary representing the Treasurer on behalf of the Parliamentary Secretary representing the Attorney General

Regulations -

Fines, Penalties and Infringement Notices Enforcement Act 1994 (Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2010 G.G. 25/06/2010)..... 2218

5. 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. 21, *Pharmacy Bill 2010*. (Leader of the House).

6. 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.

Hon Max Trenorden, by leave, tabled documents in relation to the allegations and investigation of Mr Michael Moodie by the Department of Health. (Tabled paper 2225).

7. Questions Without Notice

Questions without notice were taken.

The Minister for Environment tabled documents in relation to the contamination of soils classified as 'remediated for restricted use' around the Erindale Grove development in Gwelup, in response to a question without notice asked by Hon Ed Dermer. (Tabled paper 2226).

The Minister for Mines and Petroleum tabled documents in relation to details of record book entries, improvement, provisional improvement and prohibition notices issued to A1 Minerals Limited Mine and Brightstar Gold Project Laverton, in response to question on notice No. 2445 asked by Hon Jon Ford. (Tabled paper 2227).

The Minister for Mines and Petroleum tabled documents in relation to details of record book entries, improvement, provisional improvement and prohibition notices issued to Barrick Gold Granny Smith Mine, Lawlers Mine and Anglogold Sunrise Dam Operations, in response to question on notice No. 2446 asked by Hon Jon Ford. (Tabled paper 2228).

The Minister for Energy representing the Minister for Heritage tabled documents in relation to the Guildford Hotel, Guildford Structural Services Assessment Report by Wood and Grieve Engineers, dated 28 August 2009, in response to question on notice No. 2466 asked by Hon Linda Savage. (Tabled paper 2229).

The Minister for Environment, in accordance with Standing Order No. 138(d), advised that an answer to questions on notice Nos 2423 and 2424 asked by Hon Alison Xamon will be provided in due course.

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

Debate resumed on the motion of Parliamentary Secretary representing the Treasurer (cf item 6 above).

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

9. 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 Matt Benson-Lidholm in the Chair)

Clause 43.

Debate resumed.

The Minister for Child Protection representing the Minister for Planning, by leave, tabled a document entitled *Costing and Pricing: Government Services, Fifth Edition April 2007, Department of Treasury and Finance* (Tabled paper 2230).

Hon Sally Talbot moved -

Page 32, line 23 — To insert after “matters” —

, other than for fees,

Debate ensued.

The Minister for Child Protection representing the Minister for Planning, by leave, tabled a document in relation to Development Assessment Panel fees. (Tabled paper 2231).

Amendment - put.

The Committee divided.

Ayes (12)

Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (16)

Hon Liz Behjat
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 Helen Morton
Hon Simon O'Brien
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Amendment thus negatived.

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

Page 34, lines 9 to 14 — To delete the lines.

Debate ensued.

Amendment - put and passed.

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

Page 34, lines 6 to 8 — To delete the lines.

Amendment - put and passed.

Hon Sally Talbot moved -

Page 34, after line 25 — To insert —

171F. Review of Regulations

- (1) An appropriate Standing Committee of the Legislative Council is to carry out a review of the operation and effectiveness of all regulations made under this Part as soon as practicable after the expiry of 2 years from the day on which regulations made under this Part first come into operation.
- (2) The Standing Committee is to prepare a report based on the review and, as soon as practicable after the report is prepared, is to cause the report to be laid before each House of Parliament.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 44 and 45 agreed to.

Clause 46.

Debate ensued.

The Minister for Child Protection representing the Minister for Planning 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 Deputy 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.

10. Retail Trading Hours Amendment (Joondalup Special Trading Precinct) 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.

The House divided.

Ayes (24)

Hon Liz Behjat
 Hon Matt Benson-Lidholm
 Hon Jim Chown
 Hon Peter Collier
 Hon Ed Dermer
 Hon Kate Doust
 Hon Phil Edman
 Hon Sue Ellery
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Adele Farina
 Hon Nick Goiran

Hon Nigel Hallett
 Hon Alyssa Hayden
 Hon Lynn MacLaren
 Hon Robyn McSweeney
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Ljiljanna Ravlich
 Hon Linda Savage
 Hon Sally Talbot
 Hon Ken Travers
 Hon Alison Xamon
 Hon Ken Baston (*Teller*)

Noes (5)

Hon Robin Chapple
 Hon Mia Davies
 Hon Philip Gardiner

Hon Max Trenorden
 Hon Col Holt (*Teller*)

Question thus passed.

Bill read a second time.

The Parliamentary Secretary representing the Minister for Commerce sought leave to proceed to the third reading.

Leave denied.

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

11. Members' Statements

Statements were taken.

12. Health and Disability Services Legislation Amendment Bill 2009

The President reported the receipt of Message No. 114 from the Legislative Assembly forwarding the Bill for concurrence.

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

Debate stands adjourned.

13. Adjournment

The House adjourned at 10.23pm until Wednesday 30 June 2010 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Wendy Duncan and Hon Michael Mischin.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council