

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 139

WEDNESDAY, 16 MARCH 2011

1. Meeting of Council

The Council assembled at 2.00pm pursuant to Temporary Orders.

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

2. Petition

Hon Ken Travers presented a petition, by delivery to the Clerk, [SO 130], from 696 petitioners requesting the Legislative Council review the proposed inclusion of Pinjar South as a priority industrial site in the Industrial Land Strategy 2009 Perth and Peel. (Tabled paper 3108).

3. Ministerial Statement - Council of Official Visitors Annual Report 2009-2010

The Minister for Mental Health made a Ministerial Statement with respect to the Council of Official Visitors Annual Report 2009-2010 and the Government's response to that report.

The Minister for Mental Health tabled the document *Council of Official Visitors Annual Report 2009-2010*. (Tabled paper 3109).

The Minister for Mental Health tabled the Government's response to the *Council of Official Visitors Annual Report 2009-2010* entitled *Renewed Respect*. (Tabled paper 3110).

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

4. Ministerial Statement - Metropolitan Region Scheme Amendment No. 1180/41 - Cockburn Coast District Structure Plan

The Minister for Mental Health representing the Minister for Planning made a Ministerial Statement with respect to Metropolitan Region Scheme Amendment No. 1180/41 - Cockburn Coast District Structure Plan.

The Minister for Mental Health representing the Minister for Planning tabled a plan in relation to Metropolitan Region Scheme Amendment No. 1180/41 - Cockburn Coast District Structure Plan. (Tabled Paper 3106).

The Minister for Mental Health representing the Minister for Planning tabled reports in relation to the Metropolitan Region Scheme Amendment No. 1180/41 - Cockburn Coast District Structure Plan. (Tabled Paper 3107).

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

5. Register of Heritage Places - The Cliffe

Motion No. 1 having been called, debate resumed on the motion of Hon Giz Watson as follows -

That this House consider as a matter of grave concern the information withheld from this House when considering the removal of *The Cliffe* from the Register of Heritage Places.

Question - put.

The House divided.

Ayes (4)

Hon Lynn MacLaren
Hon Giz Watson

Hon Alison Xamon
Hon Robin Chapple (*Teller*)

Noes (28)

Hon Liz Behjat
Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Ed Dermer
Hon Wendy Duncan
Hon Phil Edman
Hon Sue Ellery
Hon Brian Ellis
Hon Donna Faragher
Hon Adele Farina
Hon Jon Ford

Hon Philip Gardiner
Hon Nigel Hallett
Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Ljiljanna Ravlich
Hon Linda Savage
Hon Sally Talbot
Hon Ken Travers
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Question thus negatived.

6. High-Level Nursing Home Care - Commonwealth Funding

Motion No. 2 having been called, Hon Helen Morton, pursuant to notice, moved -

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.

Debate ensued.

Hon Sue Ellery moved -

(1) To delete "the Federal Government's" and insert —

consecutive Federal Governments'

(2) To insert after "home care" —

, and welcomes the Productivity Commission review into the care and wellbeing of older Australians

Debate ensued.

Interruption pursuant to Temporary Orders.

7. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier tabled an answer in tabular format in relation to gifts, hospitality and other benefits received by officers of the Department of the Premier and Cabinet or Ministerial offices (2008-2010), in response to question on notice No. 2939 asked by Hon Ken Travers. (Tabled paper 3111).

The Minister for Finance representing the Treasurer tabled an answer in tabular format listing the agencies with exemptions to Treasurer's Instruction TI 824, in response to question on notice No. 3279 asked by Hon Ljiljanna Ravlich. (Tabled paper 3112).

The Minister for Child Protection representing the Minister for Forestry tabled an answer in tabular format in relation to base and gross stumpage payments by Gunns Ltd, in response to question on notice No. 3426 asked by Hon Giz Watson. (Tabled paper 3113).

The Minister for Mental Health representing the Minister for Water tabled documents in relation to the Dongara line bore, in response to question on notice No. 3217 asked by Hon Robin Chapple. (Tabled paper 3114).

8. Consideration of Committee Reports and Ministerial Statements

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

WA Training Sector Response to Economic Downturn - Ministerial Statement and Tabled Paper

Hon Ljiljanna Ravlich continued her remarks on her motion, That the Ministerial Statement and Tabled Paper be noted.

Debate ensued.

Question - put and passed.

Joint Standing Committee on Delegated Legislation - Report No. 38 - Issues of Concern Raised by the Committee between 1 May 2009 and 31 December 2009 with Respect to Local Laws - Committee Report

Hon Helen Bullock moved, That the Report be noted.

Question - put and passed.

Esperance Lead Contamination - Ministerial Statement

Hon Sally Talbot moved, That the Ministerial Statement be noted.

Debate ensued.

Interruption pursuant to Temporary Orders.

The Deputy President resumed the Chair.

The Chairman of Committees reported that the Committee of the Whole House had considered the -

- (1) WA Training Sector Response to Economic Downturn - Ministerial Statement and Tabled paper and had noted same.
- (2) Joint Standing Committee on Delegated Legislation - Report No.38 - Issues of Concern Raised by the Committee between 1 May 2009 and 31 December 2009 with Respect to Local Laws - Committee Report and had noted same.
- (3) Esperance Lead Contamination - Ministerial Statement, made progress, and asked leave to sit again.

Report adopted.

9. Order of Business

Ordered - That Bills for Introduction be now taken. (Leader of the House).

10. Electoral and Constitution Amendment Bill 2011

The Minister for Electoral Affairs, pursuant to notice, moved -

That a Bill for “An Act to amend —

- the *Electoral Act 1907*; and
- the *Constitution Acts Amendment Act 1899*,

in relation to the dates for general elections.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Electoral Affairs moved, That the Bill be now read a second time.

Debate stands adjourned.

11. Order of Business

Ordered - That Orders of the Day Nos 1, *Regulation 13(4) of the Animal Welfare (Pig Industry) Regulations 2010 - Disallowance*, 2, *West Coast Estuarine Fishery (Interim) Management Plan Amendment 2010 - Disallowance*, 3, *Gascoyne Demersal Scalefish Management Plan 2010 - Disallowance*, and 4, *Shire of Esperance Cemeteries Amendment Local Law 2010 - Disallowance*, be taken after Order of the Day No. 25, *Procedure and Privileges Committee - Report No. 20 - Administering the Oath or Affirmation to Witnesses in Committee Proceedings*. (Leader of the House).

12. Criminal Investigation Amendment Bill 2010

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

The Minister for Energy representing the Minister for Police 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. Road Traffic Legislation Amendment (Information) Bill 2010

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

The Minister for Finance representing the Minister for Transport 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.

14. Conservation Legislation Amendment Bill 2010

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

Debate resumed.

Hon Robin Chapple, by leave, tabled a letter dated 1 February 2011 from the Murujuga Aboriginal Corporation to the Minister for Environment. (Tabled paper 3115).

Debate resumed.

Hon Robin Chapple moved, without notice -

That the *Conservation Legislation Amendment Bill 2010* be discharged and the Bill be referred to the Standing Committee on Environment and Public Affairs for report not later than Thursday, 11 August 2011.

Debate ensued.

Question - put.

The House divided.

Ayes (12)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Robin Chapple
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford

Hon Ljiljanna Ravlich
Hon Linda Savage
Hon Sally Talbot
Hon Ken Travers
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (17)

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

Hon Nick Goiran
Hon Nigel Hallett
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Ken Baston (*Teller*)

Question thus negatived.

Debate resumed.

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.

15. Hope Valley-Wattleup Redevelopment Amendment Bill 2010

The Deputy President reported the receipt of Message No. 164 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Mental Health representing the Minister for Planning moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

16. Appropriation (Consolidated Account) Recurrent 2009-10 (Supplementary) Bill 2010

The President reported the receipt of Message No. 165 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Finance representing the Treasurer moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

17. Appropriation (Consolidated Account) Capital 2009-10 (Supplementary) Bill 2010

The President reported the receipt of Message No. 166 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Finance representing the Treasurer moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

18. Order of Business

Ordered - That Members' Statements be now taken. (Leader of the House).

19. Members' Statements

Statements were taken.

20. Adjournment

The House adjourned at 10.20pm until Thursday, 17 March 2011 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Alyssa Hayden.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council