

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 205

WEDNESDAY, 2 MAY 2012

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

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

2. Statement by President - Filling of Senate Vacancy

The President made the following Statement -

Members I have the honour to inform you that at a joint sitting of the Houses of Parliament of the State of Western Australia, held at Perth on 2 May 2012 the Members of such Houses sitting and voting together, in pursuance of Section 15 of the *Commonwealth of Australia Constitution Act*, did choose Dean Anthony Smith, of 186 Seventh Avenue, Inglewood, Western Australia to hold the place vacated by Senator Judith Adams.

3. Petitions

Hon Alison Xamon presented a petition from 79 petitioners requesting the Legislative Council to inquire into the decision making processes of Amendment 18 to the Shire of Kalamunda Local Planning Scheme No. 3. (Tabled Paper No. 4453).

Hon Lynn MacLaren presented a petition from 463 petitioners requesting the Legislative Council to recommend a renewal of the licence of the Regional Resource Recovery Centre, Canning Vale. (Tabled Paper No. 4454).

4. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers -

Supporting Aboriginal Students in Training (Report No.4) (May 2012) 4446

Minister for Energy

Reports -

Terrorism (Preventative Detention) Act 2006, Section 54(2) – Quarterly Report
(31 March 2012) (Date received 1/05/2012) 4447

Minister for Mental Health

Annual Reports -

Armadale Redevelopment Authority (Final Annual Report for period 1 July 2011 to
31 December 2011) (Date received 1/05/2012)..... 4448

East Perth Redevelopment Authority (Final Annual Report for period 1 July 2011 to
31 December 2011) (Date received 1/05/2012)..... 4449

Midland Redevelopment Authority (Final Annual Report for period 1 July 2011 to 31 December 2011) (Date received 1/05/2012).....	4450
Subiaco Redevelopment Authority (Final Annual Report for period 1 July 2011 to 31 December 2011) (Date received 1/05/2012).....	4451

Parliamentary Secretary representing the Minister for Regional Development

Reports -

Western Australian Regional Development Trust - Review of the Royalties for Regions Country Local Government Fund (January 2012) (Date received 1/05/2012).....	4452
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5. Standing Committee on Estimates and Financial Operations - Special Report - Budget Estimates Hearings 2012

Hon Giz Watson presented the Special Report of the Standing Committee on Estimates and Financial Operations advising of a resolution of the Committee to hold the 2012-13 Budget estimates hearings commencing 5 June 2012. (Tabled Paper 4455).

Leader of the House moved, That consideration of the Committee's Report be made an Order of the Day for the next sitting.

Debate ensued.

Question - put and passed.

6. Roe Highway Stage 8

Motion No. 1 having been called, debate resumed on the amendment of the Minister for Mental Health representing the Minister for Environment as follows -

To delete all words after "heritage" and insert —

this Council calls upon the Barnett Government to continue the processes to assess the environmental impacts of Stage 8 of the Roe Highway development.

to the motion of Hon Lynn MacLaren as follows -

That, for the purposes of —

- (a) saving the Beeliar wetlands by preserving ecological linkages and a range of other key values including —
 - (i) regionally significant vegetation, which is becoming rare as a result of encroaching urbanisation;
 - (ii) habitat for a great many fauna species, especially internationally and nationally significant migratory birds, as well as seriously threatened species like the Carnaby's Cockatoo and the Graceful Sun Moth; and
 - (iii) residential amenity, recreation and education; and
- (b) protecting our unique Aboriginal heritage; and
- (c) redirecting funds into more sustainable transport solutions, such as an expanded rail freight system and a passenger light rail network,

this House calls upon the Barnett Government to abandon the proposed Stage 8 of the Roe Highway development, and to request the Western Australian Planning Commission to initiate an amendment to the Metropolitan Region Scheme in order to delete the current zoning for a road reserve over the area of the proposed Stage 8 of the Roe Highway development.

Amendment – put.

The Council divided.

Ayes (17)

Hon Jim Chown
 Hon Peter Collier
 Hon Mia Davies
 Hon Wendy Duncan
 Hon Phil Edman
 Hon Donna Faragher
 Hon Philip Gardiner
 Hon Nick Goiran
 Hon Alyssa Hayden

Hon Col Holt
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Max Trenorden
 Hon Ken Baston (*Teller*)

Noes (12)

Hon Matt Benson-Lidholm
 Hon Helen Bullock
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Jon Ford

Hon Lynn MacLaren
 Hon Ljiljana Ravlich
 Hon Sally Talbot
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ed Dermer (*Teller*)

Amendment thus passed.

Question - That the motion, as amended, be agreed to.

The Council divided.

Ayes (17)

Hon Jim Chown
 Hon Peter Collier
 Hon Mia Davies
 Hon Wendy Duncan
 Hon Phil Edman
 Hon Donna Faragher
 Hon Philip Gardiner
 Hon Nick Goiran
 Hon Alyssa Hayden

Hon Col Holt
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Norman Moore
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 Hon Jon Ford

Hon Lynn MacLaren
 Hon Ljiljana Ravlich
 Hon Sally Talbot
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ed Dermer (*Teller*)

Question thus passed.

Motion, as amended, agreed to.

7. Uranium Mining – Environmental Management

Motion No. 2 having been called, Hon Alison Xamon, pursuant to notice, moved -

That this Council recommend that, should the Government proceed with its intention to licence uranium mining in Western Australia, it adopts the same minimum environmental management regulatory requirements for any future uranium mine in Western Australia as exists under Commonwealth and Northern Territory legislation for the operation of the Ranger uranium mine in the Northern Territory with regard to the disposal of radioactive tailings, including the requirements that -

- (a) the tailings are physically isolated from the environment for at least 10 000 years; and

- (b) any contaminants arising from the tailings do not result in any detrimental environmental impacts for at least 10 000 years.

Interruption pursuant to order.

8. Questions Without Notice

Questions without notice were taken.

The Minister for Finance tabled a document in relation to the number of full time equivalent employees and the floor area in each of the Government departments and agencies located in Dumas House, Albert Facey House, Gordon Stephenson House and Governor Stirling Building, in response to question on notice No. 5298 asked by Hon Ken Travers. (Tabled Paper 4456).

The Minister for Finance tabled a document in relation to companies directly engaged to undertake engineering and design information services for the Department of Finance, in response to question on notice No. 5352 asked by Hon Ed Dermer. (Tabled Paper 4457).

The Minister for Training and Workforce Development, in accordance with Standing Order No. 107(2), advised that an answer to questions on notice Nos 5225 and 5226 asked by Hon Alison Xamon will be provided on 15 May 2012.

The Minister for Energy, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 5233 asked by Hon Alison Xamon will be provided on 3 May 2012.

The Minister for Training and Workforce Development tabled a document in relation to apprenticeship and traineeship cancellations between 1 September 2010 and 1 September 2011, in response to question on notice No. 5383 asked by Hon Ljiljanna Ravlich. (Tabled Paper 4458).

The Minister for Indigenous Affairs tabled a document in relation to the de-registration of Aboriginal heritage sites by the Department of Indigenous Affairs, in response to question on notice No. 5395 asked by Hon Robin Chapple. (Tabled Paper 4459).

The Minister for Mental Health representing the Minister for Health, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 5155 asked by Hon Giz Watson will be provided on 15 May 2012.

The Minister for Mental Health representing the Minister for Environment, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 5212 asked by Hon Giz Watson will be provided on 24 May 2012.

The Minister for Mental Health, in accordance with Standing Order No. 107(2), advised that an answer to questions on notice Nos 5176, 5181, 5187 and 5198 asked by Hon Ljiljanna Ravlich will be provided on 17 May 2012.

The Minister for Mental Health representing the Minister for Environment tabled a document in relation to the proximity of Lumen Christi Catholic College to the Holcim quarry in Gosnells and the buffer zone and air quality monitoring, in response to question on notice No. 5156 asked by Hon Robin Chapple. (Tabled Paper 4460).

The Minister for Mental Health representing the Minister for Water tabled a document in relation to chemicals tested for in Western Australian water, including sources and dates, in response to question on notice No. 5220 asked by Hon Alison Xamon. (Tabled Paper 4470).

The Minister for Mental Health tabled a document in relation to specialty programs provided for children bereaved by the suicide of a parent and funding provided by the Mental Health Commission of Western Australia in 2008-09, 2009-10, 2010-11 and 2011-12, in response to question on notice No. 5222 asked by Hon Alison Xamon. (Tabled Paper 4469).

The Minister for Mental Health tabled a document in relation to a table outlining all the non-government organisations' services provided in regional areas in Western Australia, in response to question on notice No. 5158 asked by Hon Ljiljanna Ravlich. (Tabled Paper 4461).

The Minister for Mental Health tabled a document in relation to the number of beds in and location of regional health services, in response to question on notice No. 5161 asked by Hon Ljiljanna Ravlich. (Tabled Paper 4462).

The Minister for Mental Health tabled a document in relation to the number of FTEs in various categories currently employed in the Western Australia Country Health Service regions and

Metropolitan Specialist Aboriginal Mental Health Service, in response to question on notice No. 5163 asked by Hon Ljiljanna Ravlich. (Tabled Paper 4463).

The Minister for Mental Health tabled a document in relation to the number of mental health attendances including length of episode in days in the emergency departments or observation wards in all hospitals from 1 March 2011 to 29 February 2012, in response to question on notice No. 5167 asked by Hon Ljiljanna Ravlich. (Tabled Paper 4464).

The Minister for Mental Health tabled a document in relation to the number of employees by category employed in regional health services, in response to question on notice No. 5180 asked by Hon Ljiljanna Ravlich. (Tabled Paper 4465).

The Minister for Mental Health tabled a document in relation to the number of mental health deaths recorded by hospital for the years 2009-10, 2010-11 and 2011-12 to date, in response to question on notice No. 5185 asked by Hon Ljiljanna Ravlich. (Tabled Paper 4466).

The Minister for Mental Health tabled a document in relation to authorised and non-authorised beds in hospitals, psychiatric hostels, group homes and community residencies, in response to question on notice No. 5186 asked by Hon Ljiljanna Ravlich. (Tabled Paper 4467).

The Minister for Mental Health tabled a document in relation to the Chief Psychiatrist's review of clinical practice - admissions and discharges of mental health presentations at Fremantle Hospital, in response to question on notice No. 5195 asked by Hon Ljiljanna Ravlich. (Tabled Paper 4468).

9. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Standing Committee on Environment and Public Affairs - Report No. 24 - Inquiry into Cockburn Cement Limited, Munster

Hon Brian Ellis continued his introductory remarks in moving, That the Report be noted.

Debate ensued.

Question - put and passed.

Joint Standing Committee on the Corruption and Crime Commission - Report No. 21 - Parliamentary Inspector's Report Concerning Telecommunication Interceptions and Legal Professional Privilege

Hon Nick Goiran moved, That the Report be noted.

Debate ensued.

Question – put and passed.

Standing Committee on Estimates and Financial Operations - Report No. 35 - Inquiry into Western Australian Tourism Commission's Involvement in Major Tourism Events

Hon Giz Watson moved, That the Report be noted.

Question - put and passed.

The Deputy President resumed the Chair.

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

- (1) Standing Committee on Environment and Public Affairs - Twenty Fourth Report - Inquiry into Cockburn Cement Limited, Munster and had noted same.
- (2) Joint Standing Committee on the Corruption and Crime Commission - Twenty-First Report - Parliamentary Inspector's Report Concerning Telecommunication Interceptions and Legal Professional Privilege and had noted same.
- (3) Standing Committee on Environment and Public Affairs - Thirty-fifth Report - Inquiry into Western Australian Tourism Commission's Involvement in Major Tourism Events and had noted same.

Report adopted.

10. Teacher Registration Bill 2011

The Deputy President reported the receipt of Message No. 246 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

11. Fines, Penalties and Infringement Notices Enforcement (Taxation) Bill 2012

The Deputy President reported the receipt of Message No. 247 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a second time.

The Parliamentary Secretary representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4471).

Debate stands adjourned.

12. Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012

The Deputy President reported the receipt of Message No. 248 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a second time.

The Parliamentary Secretary representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4472).

Debate stands adjourned.

13. Order of Business

Ordered - That Orders of the Day Nos 1, *Town of Kwinana Extractive Industries Local Law 2011 - Disallowance*, 2, *Shire of Kellerberrin Parking and Parking Facilities Local Law 2011 - Disallowance*, and 3, *Mining Amendment Regulations (No. 5) 2011 - Disallowance*, be taken after Order of the Day No. 6, *Evidence and Public Interest Disclosure Legislation Amendment Bill 2011*. (Minister for Finance).

14. Criminal Organisations Control Bill 2011

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

Debate resumed.

Question – put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Jon Ford in the Chair)

Clause 1.

Debate ensued.

Want of Quorum

There not being a quorum present, the Deputy Chair gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

Interruption pursuant to order.

15. Members' Statements

Statements were taken.

16. Adjournment

The Council adjourned at 10.18pm until Thursday, 3 May 2012 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Robin Chapple.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council