

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 132

TUESDAY, 15 FEBRUARY 2011

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. Statement by President - Chamber Seating Arrangements

The President made the following Statement -

I notify Members that I have approved the changes in seating arrangements for Hon Helen Morton and Hon Donna Faragher, who have merely swapped seats for various reasons.

3. Statement by President - Council Tabled Papers - Electronic Copies

The President made the following Statement -

Members, I wish to advise, as from next week electronic copies of Tabled Papers for 2011 will be available from the Internet. I hope this will be one of many new initiatives by the Department of the Legislative Council to be implemented for the benefit of Members and the public. This initiative and other new services are a consequence of recent additional funding to the Department of the Legislative Council.

4. Messages from His Excellency the Governor - Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills -

8 December 2010 - Message No. 126	Act No.
Road Traffic Legislation Amendment (Disqualification by Notice) Bill 2010	51 of 2010
Mutual Recognition (Western Australia) Bill 2010	52 of 2010
Perry Lakes Redevelopment Amendment Bill 2010	53 of 2010
Trade Measurement Legislation (Amendment and Expiry) Bill 2010	54 of 2010
Associations Incorporation Amendment (Transfer of Incorporation) Bill 2010	55 of 2010
Liquor Control Amendment Bill 2010	56 of 2010
Fair Trading Bill 2010	57 of 2010
Acts Amendment (Fair Trading) Bill 2010	58 of 2010
Prohibited Behaviour Orders Bill 2010	59 of 2010

10 December 2010 - Message No. 127**Act No.**

Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement
Amendment Bill 2010

60 of 2010

Iron Ore Agreements Legislation Amendment Bill (No. 2) 2010

61 of 2010

5. Petition

Hon Adele Farina presented a petition from 1 599 petitioners requesting the Legislative Council to call on the Government to oppose the Osmington coal mine proposal and further, to immediately legislate to protect the Capes region from any proposed mining that threatens pre-existing agricultural and environmental values. (Tabled paper 2934).

6. Ministerial Statement - Skilling WA - A Workforce Development Plan for Western Australia

The Minister for Training and Workforce Development made a Ministerial Statement with respect to *Skilling WA - A Workforce Development Plan for Western Australia*.

The Minister for Training and Workforce Development tabled a copy of *Skilling WA*. (Tabled paper 2935).

The Minister for Training and Workforce Development tabled a copy of the *Executive Summary of Skilling WA*. (Tabled paper 2936).

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

7. Ministerial Statement - Dr Guy Hamilton - Condolence

The Minister for Mental Health made a Ministerial Statement with respect to recognizing the late Dr Guy Livingston Hamilton for his contribution in the area of disability services.

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

8. Papers

The following Papers were laid on the Table by -

President*Reports -*

Corruption and Crime Commission - Report on the Investigation of Alleged Public Sector Misconduct in Relation to the Activities of an Employee of the Department of Health (15 December 2010) (Deemed tabled 15/12/10)..... 2902

Inspector of Custodial Services, Office of the - Lodgement of Inspection of Rangeview Remand Centre (Report No. 69) (October 2010) (Deemed tabled 15/12/10) 2903

Documents -

Temporary Order 7 - Determination of Non-Government Business - 2011..... 2939

Leader of the House*Reports -*

Electoral Commission of Western Australia; District of Armadale By-election - Election Report (2 October 2010) 2904

Ministerial Resourcing Quarterly Staff Report (as at 27/1/2011) 2905

Racing and Wagering Western Australia - Statement of Corporate Intent (2010/11) (Deemed tabled 7/12/2010)..... 2906

Report on the Remuneration of Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission (26 November 2010)	2907
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Minister for Finance

Annual Reports -

Budget Papers and Related Papers -

Quarterly Financial Results Report 2010-2011 (September 2010)	2908
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Reports -

Government Mid-year Financial Projections Statement 2010-2011 (December 2010)	2909
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Minister for Energy

Annual Reports -

Australian Crime Commission (2009-2010) (Date received 18/01/2011)	2910
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Reports -

Terrorism (Preventative Detention) Act 2006, Section 54(2) - Quarterly Report (31 December 2010) (Date received 15/2/2011)	2911
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Minister for Child Protection

Annual Reports -

Biosecurity Council of Western Australia (2009-2010) (Date received 10/12/2010)	2912
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Carers Advisory Council (2009-2010) (Date received 16/12/2010)	2913
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Local Government Grants Commission of WA (For the year ended 31 August 2010) (Date received 18/01/2011)	2914
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Minister for Mental Health -

Addendums -

Health, Department of - Annual Report (2009-2010) (Date received 20/12/2010)	2915
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Annual Reports -

Australian Health Practitioner Regulation Agency (2009-2010) (Date received 24/12/2010)...	2916
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Chiropractors Registration Board (For the year ended 30 June 2010) (Date received 18/01/2011)	2917
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Dental Board (For the year ended 30 June 2010) (Date received 18/01/2011)	2918
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Medical Radiation Technologists Registration Board (For the year ended 30 June 2010) (Date received 18/01/2011)	2919
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Nurses and Midwives Board (2009-2010) (Date received 24/12/2010)	2920
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Occupational Therapists Registration Board (For the year ended 30 June 2010) (Date received 24/12/2010)	2921
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Optometrists Registration Board (For the year ended 30 June 2010) (Date received 18/01/2011)	2922
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Osteopaths Registration Board (For the year ended 30 June 2010) (Date received 24/12/2010)	2923
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Osteopaths Registration Board (For the period between 1 July 2010 to 17 October 2010) (Date received 24/12/2010)	2924
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Physiotherapists Registration Board (For the year ended 30 June 2010) (Date received 24/12/2010)	2925
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Physiotherapists Registration Board (For the period between 1 July 2010 to 17 October 2010) (Date received 24/12/2010) 2926

Podiatrists Registration Board (For the year ended 30 June 2010) (Date received 18/01/2011)..... 2927

Psychologists Registration Board (For the year ended 30 June 2010) (Date received 18/01/2011)..... 2928

Ministerial Approvals -

Midland Redevelopment Act 1999 - Disposal of land with value in excess of \$1 million - Workshop Block 1 shown as Lot 1 on Plan 61276, with Health Integra Pty Ltd..... 2929

Midland Redevelopment Act 1999 - Disposal of property with value in excess of \$1 million - Lot 503 on Deposited Plan 66298, Yelverton Drive Midland to the Health Integra Pty Ltd 2930

Reports -

ChemCentre of Western Australia - Statement of Corporate Intent (2010) (Deemed tabled 7/12/2010)..... 2931

Parliamentary Secretary representing the Attorney General

Annual Reports -

Legal Practice Board of Western Australia (2009-2010) (Date received 2/02/2011)..... 2932

Legal Profession Complaints Committee (2009-2010) (Date received 2/02/2011)..... 2933

9. Schedule for Non-Government Business

The Leader of the House moved, without notice -

That the Schedule for Non-Government Business be adopted by the House.

Debate ensued.

Question - put and passed.

10. Standing Committee on Uniform Legislation and Statutes Review - Fifty-Seventh Report - Statutes (Repeals and Minor Amendments) Bill 2010

Hon Adele Farina presented the Fifty-Seventh Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Statutes (Repeals and Minor Amendments) Bill 2010*. (Tabled paper 2937).

Hon Adele Farina moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

11. Standing Committee on Uniform Legislation and Statutes Review - Fifty-Eighth Report - Child Support (Adoption of Laws) Amendment Bill 2009

Hon Adele Farina presented the Fifty-Eighth Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Child Support (Adoption of Laws) Amendment Bill 2009*. (Tabled paper 2938).

Hon Adele Farina moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

12. Standing Committee on Uniform Legislation and Statutes Review - Occupational Licensing National Law (WA) Bill 2010 - Extension of Reporting Time

Hon Adele Farina presented a Special Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Occupational Licensing National Law (WA) Bill 2010* seeking an extension of time for the committee to report from 15 February 2011 to 14 April 2011. (Tabled paper 2940).

Hon Adele Farina moved, That the Report do lie upon the Table and be adopted and agreed to.

Question - put and passed.

13. Personal Property Securities (Commonwealth Laws) Bill 2011

The Minister for Commerce: To move on the next day of sitting -

That a Bill for “An Act to adopt the *Personal Property Securities Act 2009* (Commonwealth) as amended by the *Personal Property Securities (Consequential Amendments) Act 2009* (Commonwealth) and the *Personal Property Securities (Corporations and Other Amendments) Act 2010* (Commonwealth), to refer certain matters relating to security interests in personal property to the Parliament of the Commonwealth, for the purposes of section 51 (xxxvii) of the Constitution of the Commonwealth, and to enact consequential provisions.” be introduced and read a first time.

14. Personal Property Securities (Consequential Repeals and Amendments) Bill 2011

The Minister for Commerce: To move on the next day of sitting -

That a Bill for “An Act to repeal or amend various Acts as a result of the reform of the law relating to personal property securities by the *Personal Property Securities Act 2009* (Commonwealth), and for related purposes.” be introduced and read a first time.

15. Dangerous Sexual Offenders Amendment Bill 2011

The Parliamentary Secretary representing the Attorney General: To move on the next day of sitting -

That a Bill for “An Act to amend the *Dangerous Sexual Offenders Act 2006*.” be introduced and read a first time.

16. Order of Business

Ordered - That Orders of the Day Nos 1, *Shire of Koorda Cemeteries Amendment Local Law 2010 - Disallowance*, and 2, *City of Rockingham Dogs Amendment Local Law 2010 - Disallowance*, be taken after Order of the Day No. 6, *Criminal Investigation Amendment Bill 2009*. (Leader of the House).

17. Health, Safety and Civil Liability (Children in Schools and Child Care Services) Bill 2010

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

Debate resumed.

18. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Housing, in accordance with Standing Order No. 138(d), advised that answers to questions on notice Nos 3020 and 3021 asked by Hon Lynn MacLaren will be answered in due course.

The Minister for Mines and Petroleum tabled three maps entitled *Cleared Monitoring Bores on G26/165 and G26/166*, *Cleared Monitoring Bores P26/2790 and P26/2373*, and *Cleared Monitoring Bores on Pending Tenure 22 July 2010*, in response to question on notice No. 3213 asked by Hon Robin Chapple. (Tabled paper 2941).

The Minister for Mines and Petroleum tabled a map indicating the locations of excessive erosion of the external batters on the Mt Percy tailings dam, in response to question on notice No. 3237 asked by Hon Robin Chapple. (Tabled paper 2942).

The Minister for Mines and Petroleum tabled a copy of the *Warden's Court of Western Australia Transcripts of Proceedings* provided to Mrs Carmel McKenzie, in response to question on notice No. 3248 asked by Hon Robin Chapple. (Tabled paper 2943).

The Minister for Finance representing the Treasurer tabled, and by leave incorporated into Hansard, an answer in relation to a review of the Government's decision in the 2011-2012 Budget on cost reflective electricity tariffs, in response to a question without notice asked by Hon Kate Doust. (Tabled paper 2944).

The Minister for Training and Workforce Development, in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 3008 asked by Hon Alison Xamon will be answered on Wednesday, 16 February 2011.

The Minister for Mental Health representing the Minister for Health tabled an answer in relation to the Office of Health Review Annual Report 2009-2010, in response to question on notice No. 3234 asked by Hon Giz Watson. (Tabled paper 2945).

The Minister for Mental Health representing the Minister for Health tabled an answer in relation to goods and services supplied by Yelakitj Moort Nyungar Association Inc. to agencies under the Minister for Health's portfolios since 1 January 2007, in response to question on notice No. 3190 asked by Hon Matt Benson-Lidholm. (Tabled paper 2946).

The Minister for Mental Health tabled details of Community Child Health Clinics in the Greater Bunbury Area and Busselton, in response to question on notice No. 3160 asked by Hon Adele Farina. (Tabled paper 2947).

The Minister for Mental Health tabled details of children and adolescents assessed by South West Child and Adolescent Mental Health Services, in response to question on notice No. 3163 asked by Hon Adele Farina. (Tabled paper 2948).

The Minister for Mental Health representing the Minister for Water, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 2997 asked by Hon Robin Chapple will be answered in due course.

The Parliamentary Secretary representing the Attorney General tabled, and by leave incorporated into Hansard, an answer in relation to Native Title agreement sign-off details, in response to a question without notice asked by Hon Matt Benson-Lidholm. (Tabled paper 2949).

19. Health, Safety and Civil Liability (Children in Schools and Child Care Services) Bill 2010

Debate resumed on the second reading of this Bill (cf item 17 above).

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 5 agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clauses 7 to 9 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy 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.

Bill read a third time and passed.

20. Police Amendment Bill 2010

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

Debate resumed.

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

21. Order of Business

Ordered - That Order of the Day No. 1, *Shire of Koorda Cemeteries Amendment Local Law 2010 - Disallowance*, be now taken. (Leader of the House).

22. Shire of Koorda Cemeteries Amendment Local Law 2010 - Disallowance

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Robin Chapple -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Koorda Cemeteries Amendment Local Law 2010* published in the *Gazette* on 10 August 2010 and tabled in the Legislative Council on 17 August 2010 under the *Cemeteries Act 1986*, be and is hereby disallowed.

Debate ensued.

Question - put and passed.

23. Order of Business

Ordered - That Order of the Day No. 4, *Police Amendment Bill 2010*, be now taken. (Leader of the House).

24. Police Amendment Bill 2010

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

Debate resumed.

Interruption pursuant to Temporary Orders.

25. Members' Statements

Statements were taken.

26. Adjournment

The House adjourned at 10.12pm until Wednesday, 16 February 2011 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council