

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 197

THURSDAY, 8 MARCH 2012

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

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

2. Ministerial Statement - Fitzroy Crossing Reserves - De-Proclamation

The Minister for Indigenous Affairs made a Ministerial Statement with respect to the tabling of a report of the Aboriginal Affairs Planning Authority detailing a proposal for the de-proclamation of Reserves 9656 and 33542, Fitzroy Crossing.

The Minister for Indigenous Affairs tabled the Report. (Tabled Paper 4299).

3. Ministerial Statement - Resource Contracts - Local Employment

The Minister for Commerce made a Ministerial Statement with respect to new developments regarding new resource contracts and jobs for Western Australians.

4. Joint Standing Committee on the Commissioner for Children and Young People - Report No. 8 - Report on the functions of the Commissioner for Children and Young People: Working with children checks

Hon Helen Bullock presented Report No. 8 of the Joint Standing Committee on the Commissioner for Children and Young People being a *Report on the functions of the Commissioner for Children and Young People: Working with children checks*. (Tabled Paper 4300).

5. Population Growth - Government Planning

Non-Government Business No. 1 having been called, Hon Matt Benson-Lidholm moved, without notice -

That this Council condemns the Government for failing to accurately predict and plan for Western Australia's rapid population growth.

Debate ensued.

Hon Lynn MacLaren, by leave, tabled a document entitled *Unsettling Suburbia: The New Landscape of Oil and Mortgage Vulnerability in Australian Cities*. (Tabled Paper 4301).

Motion lapsed.

6. Sexualisation of Children

Private Members' Business No. 1 having been called, Hon Nick Goiran moved, without notice -

That the Legislative Council -

- (a) recognises that the sexualisation of children has been an important issue of ongoing concern in the community, which has now become urgent;
- (b) would welcome the establishment of an inquiry into the sexualisation of children in Western Australia;

- (c) recommends that any inquiry into this issue take note of and consider the findings of the *Letting the Children be Children* review into the commercialisation and sexualisation of childhood commissioned by the Government of the United Kingdom; and
- (d) recognises that it would be within the jurisdiction of the Commissioner for Children and Young People to hold such an inquiry.

Debate ensued.

Motion lapsed.

7. Order of Business

Ordered - That Orders of the Day Nos 1, *Electricity Networks Access Code Amendment 2011 - Disallowance*, 2, *Town of Kwinana Extractive Industries Local Law 2011 - Disallowance*, 3, *Shire of Kellerberrin Parking and Parking Facilities Local Law 2011 - Disallowance*, and 4, *Mining Amendment Regulations (No. 5) 2011 - Disallowance*, be taken after Order of the Day No. 10, *Adoption Amendment Bill 2011*. (Leader of the House).

8. Local Government Amendment Bill 2011

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

The Leader of the House on behalf of the Minister for Child Protection representing the Minister for Local Government 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.

9. Order of Business

Ordered - That Order of the Day No. 16, *Joint Standing Committee on Audit*, be taken forthwith. (Leader of the House).

10. Joint Standing Committee on Audit

The Order of the Day having been read for the consideration of Legislative Assembly Message No. 235 as follows -

Mr President

The Legislative Assembly acquaints the Legislative Council that it has agreed to the resolution set out in Legislative Council Message No. 179, regarding the Joint Standing Committee on Audit, subject to the amendments contained in the Schedule annexed, in which amendments the Legislative Assembly desires the concurrence of the Legislative Council.

Subject to the Legislative Council agreeing to the amendments contained in the Schedule annexed, the Legislative Assembly acquaints the Legislative Council that it has agreed that the Legislative Assembly members of the Joint Standing Committee on Audit shall be the Chairman of the Public Accounts Committee, the Member for Jandakot, the Member for Carine and the Member for Gosnells.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 1 December 2011

Schedule indicating the amendments made by the Legislative Assembly to the resolution set out in Legislative Council Message No. 179, regarding the Joint Standing Committee on Audit.

No. 1

In paragraph (a) of the resolution: To insert after the words "Public Accounts Committee" -

“ (including the Chairman) ”.

No. 2

Delete paragraph (b) of the resolution.

No. 3

In paragraph (c) of the resolution: To delete the words “Standing Committee on Estimates and Financial Operations” and insert -

“ Legislative Assembly Public Accounts Committee ”.

No. 4

In paragraph (d) of the resolution: To delete the word “Council” and insert -

“ Assembly ”.

Clerk of the Legislative Assembly

1 December 2011

The Leader of the House moved, without notice -

That in response to Legislative Assembly Message No. 235 the Legislative Council disagrees to the amendments made to Legislative Council Message No. 179 regarding the *Joint Standing Committee on Audit*.

Debate ensued.

Motion - put and passed.

Legislative Assembly acquiesced accordingly.

11. Community Protection (Offender Reporting) Amendment Bill (No. 2) 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.

Leave was granted to proceed forthwith to the third reading of the Bill.

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

Question - put and passed.

Bill read a third time and passed.

12. Order of Business

Ordered - That Order of the Day No. 17, *St Andrews Hostel Special Inquiry - Letter of Request from Hon Peter Blaxell*, be taken forthwith. (Leader of the House).

13. St Andrews Hostel Special Inquiry - Letter of Request from Hon Peter Blaxell

The Order of the Day having been read for the consideration of Tabled Paper No. 4156.

The Leader of the House moved, without notice -

That the Council authorise the Special Inquirer appointed to undertake the St Andrew's Hostel Special Inquiry, or a person or persons nominated by the Special Inquirer, to -

- (a) view a copy of the submissions and transcripts, requested by the Special Inquirer in Attachment 2 of his correspondence to the President dated

7 February 2012, in the office of the Clerk of the Legislative Council at a mutually convenient time to be arranged by the Clerk; and

- (b) take notes regarding the contents of the submissions and transcripts under (a), but not remove these documents from the office of the Clerk or take copies thereof.
- (c) That the Special Inquirer shall deal with the submissions and transcripts provided under paragraph (1)(a) in the following manner -
 - (i) he shall not act in breach of the *Parliamentary Privileges Act 1891*; and
 - (ii) any question arising under this paragraph in the course of the Special Inquirer's inquiry shall be submitted to, and determined by, the President.

Debate ensued.

Hon Ken Travers moved to amend the motion as follows -

To delete all words after 'That', and insert -

- (a) the Council authorise the Clerk to transmit to the Special Inquirer appointed to undertake the St Andrew's Hostel Special Inquiry a copy of the submissions and transcripts requested by the Special Inquirer in Attachment 2 of his correspondence to the President, dated 7 February 2012;
- (b) the Special Inquirer shall receive and deal with the submissions and transcripts provided under paragraph (a) in the following manner -
 - (i) he shall not act in breach of the *Parliamentary Privileges Act 1891*; and
 - (ii) any question arising under this paragraph in the course of the Special Inquirer's inquiry shall be submitted to, and determined by, the President;

and
- (c) the submissions and transcripts provided to the Special Inquirer under paragraph (a), and any copies made thereof by the Special Inquirer, shall be returned to the Clerk of the Legislative Council at the conclusion of the Special Inquiry.

Debate ensued.

Amendment - put.

The Council divided.

Ayes (7)

Hon Helen Bullock
 Hon Kate Doust
 Hon Jon Ford
 Hon Ljiljanna Ravlich

Hon Sally Talbot
 Hon Ken Travers
 Hon Ed Dermer (*Teller*)

Noes (20)

Hon Liz Behjat
 Hon Robin Chapple
 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 Alyssa Hayden
 Hon Lynn MacLaren
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Max Trenorden
 Hon Giz Watson
 Hon Ken Baston (*Teller*)

Amendment thus negatived.

Debate resumed.

The Leader of the House moved to amend the motion as follows -

In paragraph (a), to delete "a mutually convenient time" and insert -

mutually convenient times

Debate ensued.

Amendment - put and passed.

Motion, as amended, agreed to.

14. Legal Deposit Bill 2011

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

Debate resumed.

15. Questions Without Notice

Questions without notice were taken.

The Leader of the House, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 5017 asked by Hon Adele Farina will be provided on 20 March 2012.

The Minister for Finance representing the Minister for Transport, in accordance with Standing Order No. 107(2), advised that answers to questions on notice Nos 5007 and 5011 asked by Hon Adele Farina will be provided on 20 March 2012.

16. Legal Deposit Bill 2011

Debate resumed on the second reading of this Bill (*see item 14 above*).

Interruption pursuant to order.

17. Members' Statements

Statements were taken.

18. Adjournment

The Council adjourned at 5.37pm until Tuesday, 20 March 2012 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jim Chown, Hon Adele Farina, Hon Colin Holt and Hon Robyn McSweeney.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council