

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 198

TUESDAY, 20 MARCH 2012

1. Meeting of Council

The Council assembled at 3.00pm pursuant to order.

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

2. Message from His Excellency the Governor - Assent to Bill

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill -

15 March 2012 - Message No. 1

Act No.

Community Protection (Offender Reporting) Amendment Bill 2011

1 of 2012

3. Petitions

Hon Sue Ellery presented a petition from 21 petitioners requesting the Legislative Council to call upon the State Government to introduce a Western Australian Container Deposit Scheme similar to the scheme operating in South Australia. (Tabled Paper No. 4310).

Hon Sue Ellery presented a petition from 20 petitioners requesting the Legislative Council to call upon the State Government to introduce a Western Australian Container Deposit Scheme similar to the scheme operating in South Australia. (Tabled Paper No. 4311).

Hon Sally Talbot presented a petition from 395 petitioners requesting the Legislative Council to oppose the closure of the Denmark Centre for Sustainable Living. (Tabled Paper No. 4312).

Hon Wendy Duncan presented a petition from 1,936 petitioners requesting the Legislative Council to support a Royal Commission into the Forest Products Commission and that all sandalwood operations cease pending the findings of the Royal Commission. (Tabled Paper No. 4313).

4. Ministerial Statement - Industry Facilitation and Support Program

The Minister for Commerce made a Ministerial Statement with respect to the State Government's Industry Facilitation and Support Program.

5. Papers

The following Papers were laid on the Table by -

President

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Treaties tabled on 28 February 2012 - Agreement between Australia and the European Union Amending the Agreement on Mutual Recognition in relation to Conformity Assessment, Certificates and Markings between Australia and the European Community (Brussels, 23 February 2012), Amendments to the Agreement Establishing the European Bank for Reconstruction and Development adopted at London on 30 September 2011, Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New York, 18 December 2002) and Convention providing a Uniform Law on the Form of an International Will (Washington D.C., 26 October 1973)..... 4302

Reports -

Inspector of Custodial Services, Office of the - Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre (Report No. 76) (January 2012) (Date received 9/02/2012)..... 4303

Leader of the House

Documents -

Memorandum of Understanding between the Commonwealth of Australia and the State of Western Australia in relation to Interim Working arrangements for the Regulation of Mineral Exploration Activities by Paladin Energy Ltd within the Yampi Sound Training Area in Western Australia 4304

Reports -

Interstate and Overseas Travel undertaken by Members of Parliament Funded by the Imprest System (For the three months ended 30 September 2011) 4305

Response to Reports -

Joint Standing Committee on the Corruption and Crime Commission - Parliamentary Inspector's Report Concerning the Procedures Adopted by the Corruption and Crime Commission when Dealing with Complaints of the Excessive use of Force by Police (Report No. 18) (Attorney General) 4306

Joint Standing Committee on the Corruption and Crime Commission - Closed Hearing with Gail Archer SC and Further Analysis of Proposed Reforms to the Corruption and Crime Commission Act 2003 (Report No. 20) (Attorney General)... 4307

Standing Committee on Environment and Public Affairs - Inquiry into the Transportation of Detained Persons (Report No. 23) (Minister for Corrective Services)..... 4308

Minister for Mental Health

Leases -

CALM Lease No. 2188/97 - Between CALM and the Water Corporation for Serpentine Dam Café, Gallery and Carpark within a Portion of State Forest No. 22 4309

6. Workers' Compensation and Injury Management Amendment Bill 2012

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

That a Bill for "An Act to amend the *Workers' Compensation and Injury Management Act 1981*." be introduced and read a first time.

7. Proposal No. 11/2011 - Amendment to Class A Reserve 22429 - Disallowance

Hon Phil Edman: To move on the next day of sitting -

That Proposal No. 11/2011 - Amendment to Class A Reserve 22429, tabled in the Legislative Council on 23 November 2011 under section 42(4)(b) of the *Land Administration Act 1997*, be and is hereby disallowed.

8. Gender Pay Gap

Hon Linda Savage: To move on the next day of sitting -

That the Council notes that based on average weekly earnings, the gender pay gap in Western Australia in the August (2011) quarter was 28.7 per cent and calls on the Government to take urgent action, including conducting a Pay Equity Inquiry.

9. Order of Business

Ordered - That Orders of the Day Nos 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. 7, *Evidence and Public Interest Disclosure Legislation Amendment Bill 2011*. (Leader of the House).

10. Electricity Networks Access Code Amendment 2011 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Sally Talbot moved, without notice -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 1, *Electricity Networks Access Code Amendment 2011 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

11. Local Government Amendment Bill 2011

The Order of the Day having been read for the third reading of this Bill.

The Minister for Child Protection representing the Minister for Local Government moved, That the Bill be now read a third time.

The President having reported that the Deputy Chairman of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question - put and passed.

Bill read a third time and passed.

12. Business Names (Commonwealth Powers) Bill 2011

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

Debate resumed.

13. Questions Without Notice

Questions without notice were taken.

The Minister for Finance tabled, and by leave incorporated into Hansard, a document in relation to various offices leased by the Government, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper No. 4314).

The Minister for Mental Health representing the Minister for Environment tabled a document in relation to the total gross and net greenhouse gas emissions reported by Western Australian government agencies from 2006-07 to 2008-09, in response to question on notice No. 5039 asked by Hon Robin Chapple. (Tabled Paper 4315).

14. Business Names (Commonwealth Powers) Bill 2011

Debate resumed on the second reading of this Bill (*see item 12 above*).

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Brian Ellis in the Chair)

Clause 1 agreed to.

Clauses 2 to 10 agreed to.

Clause 11.

The Minister for Commerce moved -

Page 10, after line 6 — To insert —

- (3) Regulations cannot be made in accordance with subsection (1) or (2) unless a draft of the regulations has first been approved by a resolution passed by both Houses of the Parliament of the State.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 12 agreed to.

New Clause 13A.

The Minister for Commerce moved -

Page 11, after line 5 — To insert —

13A. Review of Act

- (1) The Minister must carry out a review of the operation and effectiveness of this Act as soon as is practicable after the end of the period of 2 years beginning on the commencement day (as defined in section 12(1)).
- (2) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before both Houses of the Parliament of the State.

Debate ensued.

The Minister for Commerce moved to amend the proposed amendment as follows -

To delete “2 years” and insert -

5 years

Amendment to the amendment - put and passed.

Amendment, as amended - put and passed.

New Clause 13A, as amended, agreed to.

Clauses 13 to 27 agreed to.

Clause 28.

The Minister for Commerce moved -

Page 26, lines 3 to 5 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 29 to 44 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

Leave was granted to proceed forthwith to the consideration of the Committee's Report

The Minister for Commerce 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 day's sitting.

15. 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.

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Colin Holt in the Chair)

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

The Minister for Mental Health representing the Minister for Culture and the Arts moved -

Page 4, lines 1 and 2 — To delete the lines.

Debate ensued.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 5.

The Minister for Mental Health representing the Minister for Culture and the Arts moved -

Page 5, lines 21 and 22 — To delete the lines.

Debate ensued.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 6 to 25 agreed to.

Title agreed to.

The Deputy President resumed the Chair

Bill reported with amendments.

Ordered - That consideration of the Committee's Report be made an Order of the Day for the next sitting.

16. Adoption Amendment 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.

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

17. Order of Business

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

18. Members' Statements

Statements were taken.

19. Adjournment

The Council adjourned at 10.03pm until Wednesday, 21 March 2012 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