

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 190

WEDNESDAY, 23 NOVEMBER 2011

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### 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. 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 -

**21 November 2011 - Message No. 44**

**Act No.**

Misuse of Drugs Amendment Bill 2011

56 of 2011

### 3. Ministerial Statement - Electoral Roll Maintenance System

The Minister for Electoral Affairs made a Ministerial Statement with respect to the launch of a new electoral roll maintenance system for the Western Australian Electoral Commission.

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

### 4. Ministerial Statement - Alcohol-related Hospitalisations Report

The Minister for Mental Health made a Ministerial Statement with respect to the *2011 Alcohol-related Hospitalisations and Deaths in WA* report by the Drug and Alcohol Office.

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

### 5. Papers

The following Papers were laid on the Table by -

**President**

*Auditor General's Papers -*

The Management of Offenders on Parole (Report No. 11) (November 2011)..... 4097

**Minister for Child Protection***Addendums -*

Agriculture and Food, Department of - Annual Report (2010-2011) (Date received  
23/11/2011)..... 4098

**Minister for Mental Health***Leases -*

CALM Lease No. 1789/97 - Between CALM and Terry Graham Reeve and Margaret  
Anne Reeve - Fuel Reduction by Grazing - Portion of State Forest No. 37 ..... 4099

CALM Lease No. 1919/100 - Between CALM and the Bureau of Meteorology -  
Weather Watch Radar Facility - Cape Range National Park ..... 4100

**Parliamentary Secretary representing the Minister for Regional Development***Proposals -*

Land Administration Act 1997 - Submission No. 11/2011 - Excisions from Class A  
Reserve 22429 to complete a road link between the Kwinana Freeway and  
Rockingham City Centre..... 4101

**6. Franchise Agreements Bill 2011**

Hon Ljiljana Ravlich: To move on the next day of sitting -

That a Bill for “An Act to regulate the conduct of people who are about to enter or who are parties to franchise agreements and for related matters.” be introduced and read a first time.

**7. Electricity Networks Access Code Amendment 2011 - Disallowance**

Hon Sally Talbot: To move on the next day of sitting -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Electricity Networks Access Code Amendment 2011* published in the *Gazette* on 30 September 2011 and tabled in the Legislative Council on 18 October 2011 under the *Electricity Industry Act 2004*, be and is hereby disallowed. (Tabled paper 3945).

**8. Marine Park Planning**

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

That this House condemns the Government for taking an old-fashioned, piecemeal and politically-driven approach to Marine Park planning in Western Australia.

*Interruption pursuant to Temporary Orders.*

**9. 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)

**Standing Committee on Environment and Public Affairs - Report No. 22 - Overview of Petitions - Committee Report**

Debate resumed on the motion of Hon Brian Ellis, That the Report be noted.

**10. Questions Without Notice**

Questions without notice were taken.

The Minister for Finance representing the Minister for Transport, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 4840 asked by Hon Lynn MacLaren will be provided by 1 December 2011.

The Minister for Mental Health, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 4831 asked by Hon Alison Xamon will be provided on 1 December 2011.

**11. Consideration of Committee Reports and Ministerial Statements**

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements (cf item 9 above).

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**In Committee**

(Hon Matt Benson-Lidholm in the Chair)

**Standing Committee on Environment and Public Affairs - Report No. 22 - Overview of Petitions - Committee Report**

Debate resumed on the motion of Hon Brian Ellis, That the Report be noted.

Question - put and passed.

**Mining and Petroleum Industry - Approvals Process Review - Ministerial Statement and Tabled Paper**

The Minister for Mines and Petroleum moved, That the Ministerial Statement and Tabled paper be noted.

Question - put and passed.

**Standing Committee on Environment and Public Affairs - Report No. 23 - Inquiry into the Transportation of Detained Persons: The Implementation of the Coroner's Recommendations in Relation to the Death of Mr Ward and Related Matters - Committee Report**

Hon Giz Watson moved, That consideration be postponed until the next sitting.

Debate ensued.

Question - put and passed.

**Esperance Port Authority - Nickel Sulphide Concentrate - Resignation of Chief Executive Officer - Ministerial Statement**

The Order of the Day having been called.

Consideration of the Ministerial Statement - lapsed.

**Standing Committee on Estimates and Financial Operations - Report No. 32 - Budget of the Office of the Auditor General and Review of Auditor General's Audit Results Report - Annual 2009/10 Assurance Audits - Committee Report**

Hon Giz Watson moved, That the Report be noted.

Question - put and passed.

**Australian Bravery Medal - Ministerial Statement**

The Order of the Day having been called.

Consideration of the Ministerial Statement - lapsed.

**Standing Committee on Estimates and Financial Operations - Report No. 33 - Annual Report for the year ending 31 December 2010 - Committee Report**

Hon Giz Watson moved, That the Report be noted.

Debate ensued.

Question - put and passed.

**Small Business Advocate - Ministerial Statement**

The Order of the Day having been called.

Consideration of the Ministerial Statement - lapsed.

**Standing Committee on Uniform Legislation and Statutes Review - Report No. 64 - Information Report on Uniform Scheme Structures - Committee Report**

Hon Kate Doust moved, That the Report be noted.

Question - put and passed.

**Water Resources - Winter Sprinkler Ban Trial - Ministerial Statement**

Hon Jon Ford 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) Standing Committee on Environment and Public Affairs - Report No. 22 - Overview of Petitions - Committee Report and had noted same.
- (2) Mining and Petroleum Industry - Approvals Process Review - Ministerial Statement and Tabled Paper and had noted same.
- (3) Standing Committee on Environment and Public Affairs - Report No. 23 - Inquiry into the Transportation of Detained Persons: The Implementation of the Coroner's Recommendations in Relation to the Death of Mr Ward and Related Matters, - Committee Report made progress, and asked leave to sit again.
- (4) Standing Committee on Estimates and Financial Operations - Report No. 32 - Budget of the Office of the Auditor General and Review of Auditor General's Audit Results Report - Annual 2009/10 Assurance Audits - Committee Report and had noted same.
- (5) Standing Committee on Estimates and Financial Operations - Report No. 33 - Annual Report for the year ending 31 December 2010 - Committee Report and had noted same.
- (6) Standing Committee on Uniform Legislation and Statutes Review - Report No. 64 - Information Report on Uniform Scheme Structures - Committee Report and had noted same.
- (7) Water Resources - Winter Sprinkler Ban Trial - Ministerial Statement, made progress, and asked leave to sit again.

Report adopted.

**12. Petroleum (Submerged Lands) Amendment Bill 2011**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 227

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Petroleum (Submerged Lands) Amendment Bill 2011* without amendment.

Mr P.B. Watson

Acting Speaker

Legislative Assembly Chamber

Perth, 23 November 2011

**13. Iron Ore Agreements Legislation Amendment Bill 2011**

The Deputy President reported the receipt of Message No. 228 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for State Development moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House representing the Minister for State Development moved, That the Bill be now read a second time.

Debate stands adjourned.

**14. Iron Ore Agreements Legislation (Amendment, Termination and Repeals) Bill 2011**

The Deputy President reported the receipt of Message No. 229 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for State Development moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House representing the Minister for State Development moved, That the Bill be now read a second time.

Debate stands adjourned.

**15. Order of Business**

Ordered - That Orders of the Day Nos 1, *City of Gosnells Waste Local Law 2011 - Disallowance*, and 3, *Taxi Amendment Regulations (No. 3) 2011 - Disallowance*, be taken after Committee Report No. 17, *Joint Standing Committee on the Corruption and Crime Commission - Report No. 19 - Annual Report 2010-2011*. (Leader of the House).

**16. City of South Perth Dog Local Law 2011 - Disallowance - Discharge from Notice Paper**

Hon Sally Talbot moved, without notice -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 2, *City of South Perth Dog Local Law 2011 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

**17. Manslaughter Legislation 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.

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

The Minister for Energy on behalf of the Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

**18. Residential Tenancies Amendment Bill 2011**

The Order of the Day for the further consideration of this Bill, in Committee, having been read.

The Deputy President left the Chair.

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**In Committee**

(Hon Brian Ellis in the Chair)

Clause 22.

Debate resumed on the amendment of Hon Lynn MacLaren as follows -

Page 17, line 26 — To delete “as soon as practicable” and insert —

within 7 days

Amendment - put and negatived.

The Minister for Finance representing the Minister for Housing moved -

Page 17, line 26 — To insert after “practicable” —

, and in any event within 14 days,

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 23.

Hon Lynn MacLaren moved -

Page 18, line 21 to page 19, line 5 — To delete the lines and insert —

- (2) Delete section 27(2)(a).

Debate ensued.

Amendment - put and negatived.

Hon Lynn MacLaren moved -

Page 18, after line 26 — To insert —

- (i) the lessor either exercises or refuses the option within seven days of receipt of the amount;

Debate ensued.

Amendment - put and negatived.

Hon Lynn MacLaren moved -

Page 18, line 27 — To insert after “exercised,” —

and within seven days of the decision to exercise the option,

Amendment - put and negatived.

Hon Lynn MacLaren moved -

Page 19, line 1 — To insert after “refused,” —

and within seven days of the decision to refuse the option,

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 24 to 26 agreed to.

Clause 27.

Debate ensued.

Clause agreed to.

Clauses 28 to 40 agreed to.

Clause 41.

Debate ensued.

*Interruption pursuant to Temporary Orders.*

**19. Members' Statements**

Statements were taken.

**20. Adjournment**

The House adjourned at 10.21pm until Thursday, 24 November 2011 at 10.00am.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Michael Mischin.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council